First Session—1-13.

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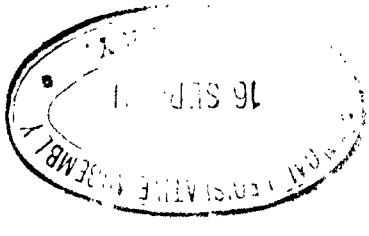

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BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Khan Sahib ABDUL HAMID CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

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ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

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2. Begum HAMIDA MOMIN.
3. Raja BHUPENDRA NARAYAN SINHA Bahadur.
4. Mr. J. B. ROSS.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Public Health (including Medical) and Local Self-Government Departments.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of the Communications and Works Departments.

The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Finance, Commerce and Labour Departments.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forest and Excise Departments.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Agriculture, Industries (including Veterinary) and Rural Reconstruction Departments.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
5. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

B

6. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
7. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
8. Barua, Mr. Dhirendra Lal. [Chosen by the Governor.]
9. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

10. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Urban).]
11. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
12. Chowdhury, Khan Sahib Abdul Hamid. [Mymensingh West Muhammadan (Rural).]
13. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
15. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
16. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
17. Cohen, Mr. D. J. [Chosen by the Governor.]

D

18. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
19. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
20. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
21. D'Rozario, Mrs. K. [Chosen by Governor.]
22. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

23. Esmail, Khan Bahadur Alhadj Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

24. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

G

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
27. Hossain, Mr. Latafat. [Chosen by the Governor.]
28. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
29. Huq, Khan Bahadur Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

J

30. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

31. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
32. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
33. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
34. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

35. Laidlaw, Mr. W. B. G. [European.]
36. Lamb, Sir T. [Bengal Legislative Assembly.]

M

37. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
38. *Mitra, the Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
39. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
40. Momin, Begum Hamida. [Chosen by the Governor.]
41. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
42. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]

P

43. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]

Q

44. Quasem, Maulvi Abul. [Bengal Legislative Assembly.]

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*President of the Bengal Legislative Council.

R

45. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
46. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
47. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
48. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
49. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
50. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
51. Ross, Mr. J. B. [Bengal Legislative Assembly.]
52. Roy, Mr. Amulya Dhone. [Bengal Legislative Assembly.]
53. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
54. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
55. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

S

56. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
57. Scott-Kerr, Mr. W. F. [European.]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, The Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
61. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

T

62. Talukdar, Dr. Kasiruddin. [Bogra *cum* Pabna Muhammadan (Rural).]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

First Session—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 10th February, 1941, at 2-15 p.m., being the first day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

The President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair

QUESTIONS AND ANSWERS

Mr. PRESIDENT: The questions relating to the Education Department and the Home Department will not be taken up to-day as the Hon'ble Ministers in charge of those departments have informed me that they will not be able to attend the Council in time.

Questions outstanding from previous Session and replies thereto.

Increase of landless cultivators.

49. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the number of landless cultivators has increased considerably during the last twenty years?

(*b*) Is it a fact that the Co-operative Department of Government of Bengal have started a scheme called the Badarkhali Colonization Scheme at Chittagong for the benefit of the landless cultivators of that district?

(*c*) Is it a fact that more twelve thousand landless cultivators have been provided with cultivable land in this colony and that their number is ever on the increase? Is it a fact that the Badarkhali Colonization scheme has proved a success and that there is a great demand for more land?

(*d*) If so, do the Government propose to launch similar other colonization schemes in Chittagong and other districts of Bengal where Government waste lands are available in order to make cultivable lands available to the landless cultivators of Bengal? If not, why not?

(*e*) What is the total area of Government *khas* waste land in Bengal which can be reclaimed and cultivated?

(*f*) Do the Government contemplate drawing up a suitable scheme for utilisation of these waste lands for grazing and cultivation purposes? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No up-to-date accurate statistics are available and no such generalisation can be made till the next census figures are received.

(*b*) Yes.

(*c*) 262 families of landless cultivators have been settled on the colony with sufficient cultivable land. The Badarkhali Colonization Scheme has proved a success and there is demand for more land.

(*d*) The disafforestation of a part of the reserved forest in the district of Chittagong for colonisation purposes on a co-operative basis, is under examination by a Committee appointed by Government in the Forest and Excise Department.

(*e*) The information is not available.

(*f*) So far as the district of Chittagong is concerned, a committee has already been appointed to go into the question.

Extension granted to the staff of the Survey and Settlement Department.

50. Khan Bahadur NAZIRUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many (*i*) Gazetted officers, (*ii*) Field Assistants, (*iii*) Ministerial officers and (*iv*) others of the Survey and Settlement Department are at present on extension?

(*b*) Will he kindly give the names of officers on extension showing how many extensions each has got and for what reason?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Only one settlement kanungo (Field Assistant), now on deputation to the Khas-mahal Department, is on extension.

(*b*) *Name*—Babu Kali Mohan Roy Chowdhury.

Period of extension—1 year from 16th July, 1940.

Reasons for extension—A Senior Settlement Kanungo was required for employment as Khas Tahsildar but as none could be spared, Babu Kali Mohan Roy Chowdhury who was considered quite fit and eligible for retention in service beyond the age of 55 year , was allowed an extension for one year.

Famine in the Chandibarpur Union, Shingia Union and Durgapore Union.

51. **Mr. K. C. ROY CHOWDHURY:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that there is famine on account of failure of crops in the Chandibarpur Union, Shingia Union and Durgapore Union under police-station Narail, district Jessore? If so, what measures have been taken by the Government to give relief to the famine-stricken people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no famine or distress in these unions. The question of granting relief does not arise.

Auction sale of petty estates and khasmahal jotes.

52. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that the petty estates and khasmahal *jotes* bearing revenue of Rs.50 and above are now being put to auction sale under the provisions of the Revenue Sales Act of 1859?

(*b*) Is it a fact that these petty estates and khasmahal *jotes* were formerly used to be put to sale under the provisions of the Public Demand Recovery Act of 1913? If so, why has this procedure been changed?

(*c*) Are the Government aware that the new procedure has been causing great hardships and suffering to the owners concerned? If so, are the Government going to adopt any other method which may give relief to such owners? If not, why not?

(*d*) Has the attention of Government been drawn to the remarks made by Mr. M. M. Stuart in his "Khasmahal Report" regarding the hardships caused by this Procedure.

(*e*) Do the Government propose to adopt the remedy suggested by Mr. Stuart to give relief to the landlords and *jotedars*? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The Sale Law is applied to transferable tenures in Government estates in circumstances stated in rule 58 of the Crown Estates Manual

(*b*) There has been no change of procedure except to the extent that the practice of realising arrears in Government estates by certificate procedure has been held under suspension for the present.

(*c*) and (*e*) In one or two districts there has been a tendency to apply the Sale Law more freely but that tendency is being discouraged by Government.

(*d*) Yes.

Objections to cess valuation from people of the district of Midnapore.

53. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that returns of and objections to cess valuation from people of the district of Midnapore, and especially of flood-affected areas in Contai, Sadar and Tamluk subdivisions, have been invited and is he also aware that filing Revenue Agent's power along with them, has been insisted; if so, if he is aware that due to such procedure great hardship is being caused to the aforesaid people; and

(*b*) if he is aware that the forms, prescribed, demand the measurements to be noted in acres and decimals, and if he is aware that such a standard of measurement is not known or prevalent in this district; if so, if he is also aware that great difficulties are being experienced by all classes of people of the district for the enforcement of the said standard of measurement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, objections under section 107 F(1) and returns under section 107J of the Cess Act have been invited by the Collector. Where objections are filed through Revenue Agents, such Revenue Agents have to be empowered by *vakalatnamas* to act on behalf of the objectors, but not otherwise.

No complaint that the procedure is causing hardship to the people has been received by Government.

(*b*) Yes, the prescribed form of returns provides that the area should be given according to the record-of-rights which shows such area in acres and decimals.

Government are not aware that any difficulty is being experienced by the people on account of the standard of measurement which is known and used in the district for many years.

Rai Bahadur MANMATHA NATH BOSE: Is the Hon'ble Minister aware that there have been considerable changes in the holdings of tenants since the final publication of records-of-rights in 1917 by transfer and creation of new holdings?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Quite possibly, Sir.

Establishment of a museum or laboratory in Calcutta for the study of river behaviour.

54. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that the Government of Bengal proposes to establish in Calcutta a museum or laboratory for the study of river behaviour?

(*b*) If the answer be in the affirmative, will the Hon'ble Minister be pleased to state what would be the probable recurring and non-recurring costs for the same, and under whose direct supervision and management will this laboratory be run?

(*c*) In deciding on it, did the Government take into consideration the opinion expressed by the Hon'ble the Finance Minister during the last session of the Council to the effect that there will be heavy financial deficit in the Budget of the coming financial year? If so, will the Hon'ble Minister be pleased to state how Government could adopt this proposal of model waterways in the face of such a forecast about the financial position of the Province?

(*d*) Are these model waterways meant to provide the Bengal Engineers with suggestions enabling them to test their own plans of work? If so, do the Government propose to consider the desirability of appointing an Advisory Board to control the activities of the Irrigation Department?

(*e*) Is it a fact that some rivers in Bengal are connected with mountains and seas and are subject to tides, floods and rainstorms and great winds? If so, will the Hon'ble Minister be pleased to state how the arrangements for studying these matters are proposed to be made in this Laboratory?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes, it is proposed to establish an Institute for River Research in Bengal for a term of 5 years in the first instance.

(*b*) Recurring Rs. 98,000; non-recurring Rs.1,06,000.

A Director is proposed to be appointed to supervise and manage the institute.

(*c*) A conference of scientists and technical experts convened by me in July, 1938, recommended an immediate establishment of such an institute. An expert with special knowledge in model experiments was subsequently brought from the Punjab to advise. He expressed the opinion that our complicated river problems are amenable to model treatment. The scheme under consideration was in fact proposed by him. We realise that the Institute should be brought into being as soon as possible in order to ensure success and to effect ultimate economy in tackling the complex and unique river problems of Bengal.

(*d*) Model experiments are no doubt expected to give valuable indications to our Engineers as to the best and most economical solutions of the complicated river problems. But the main object is to test their proposals, often involving large expenditure, by means of small scale models before the work is actually taken up for execution—not only to ensure success but also to prevent waste which would be inevitable in case any of their proposals based on theoretical considerations proved to be a failure.

An Advisory Board consisting of non-technical men is not likely to be helpful in dealing with technical problems.

(*e*) Yes. The subject being highly technical it is not possible to do justice to it within the compass of a short reply on the floor of the House. The idea is to reproduce river, the condition of its flow and the proposals for improvement in small scale models, which can be done at a very small cost in the Laboratory, and by studying their behaviour to judge as to the suitability of these proposals and by trial and error to find out the most suitable and economical solution.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state where this laboratory for the study of river behaviour has been proposed to be located? Is it in Calcutta?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Near about Calcutta.

Mr. LALIT CHANDRA DAS: Is it on the Lake side?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Two sites are under consideration—one near the Lake and the other at Palta.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he has decided to take one of the two sites mentioned?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Not yet.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether he has made provisional arrangement for the appointment of Director and staff?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I cannot make any provisional arrangement as to the appointment of the Director until the scheme is sanctioned by the Legislature.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to answer question No. (c), viz., "On deciding on it, did the Government take into consideration the opinion expressed by the Hon'ble the Finance Minister during the last session of the Council to the effect that there will be heavy financial deficit in the Budget of the coming financial year? If so, will the Hon'ble Minister be pleased to state how Government could adopt this proposal of model waterways in the face of such a forecast about the financial position of the province"—was the Finance Minister consulted?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am surprised to find that my honourable friend Mr. Das feels that the model experiment is something which is going to be an expensive luxury. May I remind him that all the advanced countries of the world who have to deal with river problems have laboratories for model experiments. I am sure that when the laboratory is established, it will not only be considered to be not costly, but, on the other hand, will enable new schemes to be taken up much more economically and with a greater measure of success.

Mr. LALIT CHANDRA DAS: Sir, my question has not been answered. My question is whether the Hon'ble the Finance Minister was consulted before the scheme had been adopted?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As a matter of fact, the scheme has not been adopted: it awaits the approval of the Legislature.

Mr. LALIT CHANDRA DAS: Was the Hon'ble the Finance Minister consulted before this proposal was accepted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of order, Sir. We have joint responsibility, and it is not for us to disclose whether we are consulted or not.

Mr. PRESIDENT: Mr. Das has asked whether the Hon'ble the Finance Minister was consulted, and it is for the Hon'ble Minister to say whether he is prepared to disclose what happened between them.

Mr. LALIT CHANDRA DAS: Sir, I may repeat my question: Will the Hon'ble Minister be pleased to state whether the Hon'ble the Finance Minister was consulted before the scheme was adopted?

Mr. PRESIDENT: Mr. Das has asked whether the Hon'ble the Finance Minister was consulted: let the Hon'ble Minister say if he is prepared to answer the question.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am not prepared to answer that question.

Dr. RADHA KUMUD MOOKERJEE: Sir, I would ask the Hon'ble Minister to show more light on the project—my question is whether it is implied that all irrigation schemes should be held up pending the report of this academic body?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, firstly, I would strongly deprecate my honourable friend's remark that it will be an academic body; it would, on the contrary, be a body consisting entirely of technical experts just as they have in the Punjab and about which my friend may have some personal knowledge. I may assure him that no scheme will be held in abeyance. We will proceed with our usual programme of work till the laboratory is established.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why there has been this long delay in the establishment of this Board since it was recommended in July, 1938?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: That is because we had to have the scheme prepared by an expert whom we had to invite from the Punjab and then, when the scheme was ready, we had to consult various other bodies who were likely to co-operate with us, like the Calcutta Corporation, the Calcutta Improvement Trust and now our neighbouring provinces like Assam and Orissa.

Mr. HUMAYUN KABIR: When was this River Expert from the Punjab invited?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is difficult for me to give the date, but it was some time last year.

Mr. HUMAYUN KABIR: When was the scheme submitted by him?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I think the scheme was ready before the last Budget.

Mr. LALIT CHANDRA DAS: Arising out of (*c*). Will you be pleased to state whether in this laboratory you have been satisfied that it would be possible——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I rise on a point of order, Sir? Is the honourable member to address me direct and should he not address me through the Chair?

Mr. PRESIDENT: The honourable member must address all questions through the President. Formally the question is to be addressed to the Chair.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to answer whether he has been satisfied that in this proposed laboratory it will be possible to reproduce tides, floods and rain-storms?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Absolutely.

Realisation of motor vehicles tax in the district of Midnapore.

55. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the amount realised on account of the motor vehicles tax in the district of Midnapore since the introduction of this tax, and what percentage of it has been contributed to the Midnapore District Board; and

(*b*) whether the Road Development Board has taken up any road or whether it proposes to take up any road in this district for construction; if so, where is that road and when is it to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) The total amount realised on account of the motor vehicles tax in the district of Midnapore up to the year 1939-40 is Rs.2,35,516. The amount paid to the Midnapore District Board during the same period is Rs.3,80,331, which works out at 161 per cent. In addition there have been grants to other local bodies in the district.

(*b*) The Cossye bridge is being constructed from the Central Road Fund. This project with the approaches and training works is estimated to cost Rs.7.32 lakhs and is due for completion in 1942-43. There is no other road scheme contemplated at present in the Midnapore district.

56. (The Hon'ble Minister in charge not being present to read the answer to this question, the President passed on to the next question.)

Mr. HUMAYUN KABIR: What will happen to question No. 56 then, Sir?

Mr. PRESIDENT: It will be taken up later.

Cases under section 110 of the Criminal Procedure Code against several respectable Moslem gentlemen of Nithpur and Porsha.

57. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether two cases under section 110 of the Criminal Procedure Code were instituted against several respectable Moslem gentlemen of Nithpur and Porsha in the district of Dinajpur about 3 years ago;

(*b*) what are the names of the accused in the two cases and what were the definite charges against them;

(*c*) whether a pleader from Rangpur District Court was appointed to conduct the prosecution in both the cases;

(*d*) what were the rates of daily fees settled with him for conducting the cases in the locality (mufassal) and at Sadar;

(*e*) what were the number of days he appeared in the mufassal and the number of days he appeared at Sadar; and the number of witnesses examined by the court in the mufassal and at Sadar while he was in charge of the prosecution;

(*f*) the average number of hours the court sat on each date; and

(*g*) the total amount of fees and travelling allowance he has got separately for the two cases?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Yes.

(*b*) In one case the accused were Abdul Karim Sha Chaudhury and Abdul Aziz Sha Chaudhury and the charges were habitual commission, attempt to commit and abetting the commission of the offences of kidnapping, abduction, extortion, mischief and offences involving breach of peace and habitual commission of theft, house-breaking and robbery. In the other case the accused were—

(1) Muhammad Ibrahim Sha Chaudhury,

(2) Muhammad Abdul Fatta Sha Chaudhury,

(3) Muhammad Abdul Wahid Sha Chaudhury,

(4) Muhammad Taher Sha Chaudhury,

(5) Muhammad Abdul Hai Sha Chaudhury,

(6) Muhammad Yosof Sha Chaudhury, and

(7) Muhammad Abdur Rahman Sha Chaudhury,

and the charges were habitual forgery and commission, attempt to commit and abetting the commission of offences of kidnapping, abduction, extortion, cheating and mischief and habitual commission of offences involving breach of peace.

(*c*) Yes.

(*d*) Rs.60.

	Number of days he appeared.	Number of witnesses examined by court.
(*e*) Mufassil	8	234
Sadar	92	458

(*f*) Six hours.

(*g*) Fees Rs. 4,875.

Travelling allowance Rs. 59.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state why a pleader from Rangpur District Court was appointed to conduct the prosecution instead of the Public Prosecutor of the district or, rather, the Public Prosecutors of neighbouring districts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The question is very delicate, and it refers to the question of insult. I believe the answer should be avoided if he would agree to it; if not I shall have to tell him the real state of affairs.

Rai Sahib JATINDRA MOHAN SEN: My question is why the Public Prosecutor of the district or other Public Prosecutors of the neighbouring districts were not appointed, but a District Court Pleader was chosen to conduct the prosecution.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as the Public Prosecutor of this district was concerned if the District Officer had full confidence in him he would have appointed him. As for the Public Prosecutors of neighbouring districts, as far as I know of Rangpur, this is a very heavy district and the Public Prosecutor there is engaged throughout the year and he has practically no time.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state whether any opinion of the District Officer or the Superintendent of Police was consulted before the District Court pleader was appointed to conduct the prosecution?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: All these things are done by the District Court pleaders.

Rai Sahib JATINDRA MOHAN SEN: My question is whether it is a fact that the District Officer or the Superintendent of Police was consulted?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the District Officer has nothing to do with it.

Appointment of Pleader for Prosecution of 110, Cr.P.C. Cases in Dinajpur.

58. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) whether a pleader of Dinajpur District Court was appointed for the prosecution of the two cases instituted under section 110 of the Criminal Procedure Code against some respectable Moslem gentlemen of Nithpur and Porsha of Dinajpur about 3 years back and whether it is a fact that at the fag end of the trial the Rangpur pleader who was previously appointed to conduct the case wanted a still higher daily fee than he was paid before;

(*b*) the rates of daily fees settled with the local pleader and the number of days he appeared in court and the total fees and travelling allowance which he has got; and

(*c*) the expenditure of all kinds, head by head, including travelling allowances of police officers and costs of witnesses which the Government have incurred in connection with the prosecution of these two cases?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) The rate of daily fee settled with the local pleader was Rs.40. He appeared in court in mufassal for 15 days and at Sadar for 9 days and was paid Rs.960 as fees and Rs.36-14 as travelling allowance.

(*c*) A statement is laid on the table.

Statement referred to in the reply to clause (c) of question No. 58, showing total expenditure of all kinds, head by head, in Porsha B. L. Case.

Cost of erecting a temporary shed for holding Camp Court at Nithpur.	Wages of a pankha-puller.	Price of hurricane lanterns.	Price of steel trunk, etc., for keeping records.	Diet and travelling allowance to witnesses.	Total.
Rs. a. p.	Rs. a. p.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
62 6 9	2 5 3	3 4	16 8	3,149 10	3,234 2

Rai Sahib JATINDRA MOHAN SEN: Arising out of (*c*), my question was—"the expenditure of all kinds, head by head, including travelling allowances of police officers and costs of witnesses which the Government have incurred in connection with the prosecution of these two cases." I do not find the amount spent on allowances of police officers.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, the expenditure in this connection has been shown in the statement. If my friend looks into it, he will find that the statement is exhaustive.

Rai Sahib JATINDRA MOHAN SEN: Sir, there are several heads of expenditure—(1) is "cost of erecting a temporary shed for holding Camp Court at Nithpur"; (2) is "wages of a pankha-puller" and so on and so forth. There is no mention of the amount spent on travelling allowances of police officers. I want to have an answer to that question.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, if my friend sees item No. 5, he will find that "Diet and travelling allowance to witnesses" is already given there.

Rai Sahib JATINDRA MOHAN SEN: Witnesses do not include police officers who were looking after the prosecution.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: All these are witnesses.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state whether all the police officers who looked after the case had been examined as witnesses?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, it is a wide question, and it is not possible for me to reply.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister please state the actual amount of money which was spent on the travelling allowances of police officers; whether they were examined as witnesses or not?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I think the answer is quite clear.

Trial of the 110, Cr.P.C. Cases in Dinajpur.

59. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) when were the two cases under section 110 of the Criminal Procedure Code against several respectable Moslem gentlemen of Nithpur and Porsha of Dinajpur about 3 years back instituted and terminated in the lower court;

(*b*) what were the results of the two cases in the lower court;

(*c*) whether there was an appeal before the Sessions Judge by the convicted persons and whether in acquitting them all, the Sessions Judge remarked that the prosecution was ill-advised and that the huge waste of money and time should have been avoided;

(*d*) whether the evidence in the possession of the police was placed before any lawyer before the prosecutions were launched and, if so, before whom;

(*e*) whether the Government have taken any action in the light of the considered views expressed by the Judge against those responsible for launching the abortive prosecutions; and

(*f*) whether the judgments of the appellate court will be placed on the table of the House?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Both the cases were instituted on the 24th March, 1938—one terminated on the 6th February, 1939, and the other terminated on the 7th September, 1939.

(*b*) Case No. 24M.R.—6T.R./38, ended in orders that Abdul Karim Sha Choudhury and Abdul Aziz Sha Choudhury were to execute a bond of Rs.10,000 each with two sureties of like amount each for good behaviour for a period of 3 years in default to undergo rigorous imprisonment for the same period subject to confirmation by the Sessions Judge. Case No. 25M.R.—7T.R./38, ended in orders upon three persons. Of the remaining four persons, three were discharged and one was absconding from the beginning of the case.

(*c*) The Sessions Judge set aside the orders in all cases but made no such remarks.

(*d*) Yes, it was placed before Babu Bidhuranjan Lahir, Advocate, Rangpur.

(*e*) The question does not arise.

(*f*) No extra copies of the judgments are available—preparation of copies of the judgments which are long (31 and 52 typed pages) will involve an amount of time and labour which the Government are not prepared to undertake.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state, with reference to (*c*), if he had himself read the judgment of the Sessions Judge when he say that no such remarks were made?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No, Sir. I did not read the judgment.

Rai Sahib JATINDRA MOHAN SEN: May I read for the Hon'ble Minister's information the remark made by the learned Judge in his judgment? It is as follows: "Apart from the question of law on merits alone, I have held that these orders cannot be upheld, and I can only stigmatise this enquiry as an appalling waste of public time and money and the reference to the court as an intolerable burden and waste of time."

BENGAL LEGISLATIVE ASSEMBLY

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, these questions were ordinarily sent to the District Officer for reply and, after going through all the papers, he has sent a reply and I have simply read over the reply to you.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister please state if, when Government give answers to questions in future, they would particularly see that the answers supplied by District Officers or persons who are entrusted with the task of supplying such answers are correct and not misleading?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, we have full confidence in the replies sent by District Officers.

Rai Sahib JATINDRA MOHAN SEN: But, Sir, does the answer just given by the Hon'ble Minister not disclose that the Hon'ble Minister should not have full confidence in the District Officers when they supply such answers?

Mr. PRESIDENT: Order, order. The honourable member is giving information and not asking for information. In putting a question, members are to seek information and not give any information.

Rai Sahib JATINDRA MOHAN SEN: All right, Sir. I am simply asking the Hon'ble Minister whether when answering questions in future, he should not see that the answers supplied by the District Officers are reliable and not misleading.

Mr. PRESIDENT: Next question.

Rai Sahib JATINDRA MOHAN SEN: But, Sir, I have some more supplementary questions to ask.

Demonstration farms of the rural area of the Murshidabad district.

60. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) how many demonstration farms are there in the district of Murshidabad in the rural area for propaganda work, i.e., demonstrating to the cultivators the result of the improvement of seeds, breed, etc., effected through the efforts of the Agriculture Department;

(*b*) how many of such demonstration farms are in the Rarh area (i.e., in the western half) of the district;

(*c*) how many of such demonstration farms are in Khargram thana; and

(*d*) what are the names of the villages where these demonstration farms are working in the Rarh area?

MINISTER in charge of the ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*), (*b*) and (*d*) A statement is placed on the table.

(*c*) None.

Statement referred to in the reply to clauses (a), (b) and (d) of question No. 60.

Name of Union Board Farm.	Village in which Union Board Farms situated.	Villages in which Demonstration centres situated.
	A.—In Rarh area.	
1. Saktipore.	1. Saktipore ..	1. Chowrigachha. 2. Tenya. 3. Sompara.
2. Kandi.	2. Purandarpur ..	1. Rasarah. 2. Balia. 3. Kharsa.
3. Nimtita.	3. Nimtita ..	1. Jadunandanpur. 2. Raghunathpur. 3. Sulitala.
4. Sagardighi.	4. Chamugram ..	1. Manigram. 2. Jugore. 3. Sagardighi.
	B.—Outside Rarh area.	
5. Bhagwangola.		
Number of demonstration centres		.. 3
Total number of Demonstration Centres		.. 15

Area under improved departmental seeds.

61. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what per cent. of the (*i*) paddy and (*ii*) jute area of Bengal are now under improved departmental seeds?

(*b*) What has been the rate of progress during the last 5 years?

(*c*) What stands in the way of distribution of departmental seeds in every union through Union Boards?

(*d*) Is there any scheme for introduction of improved seeds in the whole of Bengal, and if so, what is the estimated period within which the scheme will be given full effect to?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) (*i*) Approximately 12½ per cent. and (*ii*) approximately 50 per cent.

(*b*) It is not possible to state accurately the rate of progress without an extensive survey but it depends on and can be judged by the rate of establishment of Union Board farms (which are now designated thana farms) and on the rate of outturn of trained demonstrators to look after them. It also depends on the increase in expenditure on demonstration. These farms were first started in 1938 and there are now 191 such farms with an average of three demonstration centres attached to each. Since 1938-39 the grant for demonstration has been increased from Rs.9,000 to Rs. 27,000.

(*c*) The main difficulties are (*i*) insufficient supply of departmental seeds and (*ii*) insufficient staff of demonstrators to be in charge of the thana farms. Both these difficulties are being remedied by increase of the annual outturn of trained demonstrators and increase in the number of District Agricultural Farms and thana farms.

(*d*) Yes. It is intended to do this through the agency of district and thana farms and Government aims at having one thana farm in each thana. At the present rate, which, as I have said, depends on the rate of supply of trained demonstrators it should be possible to give full effect to the scheme in about ten years. I hope however that it will be possible to arrange for an increased outturn of trained demonstrators and consequently an increase in the rate of establishment of Union Board farms which will result in full effect being given to the scheme in a shorter period.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Arising out of (*d*), will the Hon'ble Minister be pleased to state what stands in the way of distribution of departmental seeds? It does not require trained demonstrators. It will be sufficient if departmental improved seeds are grown in sufficient quantity in Dacca Farm and other places.

The Hon'ble Mr. TAMIZUDDIN KHAN: The Dacca Farm is working up to its full capacity, and there is hardly any room for increased production of these seeds. But a good deal of these seeds is produced in the district agricultural farms: not only that, seeds are produced also in the thana farms and demonstration centres and the number of thana farms and demonstration centres is being increased.

So far as distribution is concerned, that is done through the thana farms and demonstration centres. Proper distribution depends, therefore, on increasing the number of thana farms and demonstration centres and that is being done.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether this distribution cannot be done through the Presidents of Union Boards direct instead of through the demonstrators?

The Hon'ble Mr. TAMIZUDDIN KHAN: Distribution of seeds is being done through demonstrators, firstly, because we have not got enough seeds and, secondly, these seeds are not distributed at random but are distributed by the demonstrators amongst selected cultivators who work under the supervision of the demonstrators according to improved methods.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether these improved seeds could not be multiplied by further distribution among other than the selected cultivators?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, as I have already said, these seeds are distributed among selected cultivators by the thana farms and demonstration centres, and the former distribute them amongst the other cultivators, and thus the distribution is multiplied as suggested by my friend Khan Bahadur Saiyed Muazzamuddin Hosain.

Mr. HUMAYUN KABIR: Arising out of (*d*), will the Hon'ble Minister be pleased to state why was the designation "Union Board Farm" changed to that of "Thana Farm," and when was it done?

The Hon'ble Mr. TAMIZUDDIN KHAN: Some time ago, an informal conference was held and there the question was discussed, and it was considered that the designation "Thana Farm" would be more appropriate, because the scheme of the Government is that there should be at least one farm in each thana and not one farm in each Union Board. Therefore "Thana Farm" is a more appropriate designation.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it was not decided to provide one farm in each Union?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Expenses for Industrial training in Bengal.

62. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what amount of money was spent during the last 3 years on stipends for Industrial training in Bengal including stipends to political offenders and suspects; and what proportion of it went to Moslem stipend-holders and what proportion to Hindu stipend-holders?

(*b*) What is the total number of (*i*) officers, (*ii*) ministerial officers, (*iii*) field workers and (*iv*) menials employed in the Industries Department and what is the proportion of Moslems in each class of these services?

(*c*) What is the total number of persons trained in weaving and dyeing during the last 3 years and how many of them have actually taken to weaving and dyeing as a profession?

(*d*) Has any attempt been so far made to prepare cloth for wearing purpose, out of jute fibre? Are the experts of opinion that there is no possibility of jute being utilised for manufacture of coarse wearing cloth?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Rs.98,729, of which Rs.42,639 was spent on Moslem stipend-holders and the balance of Rs.56,090 on Hindu stipend-holders including Scheduled Castes.

(*b*) and (*c*) A statement is placed on the table.

(*d*) No. Cloth prepared from pure jute is not suitable for wearing purposes but coarse wearings are being made with mixture of cotton and wool.

Statement referred to in the reply to parts (b) and (c) of question No. 62.

(*b*) TOTAL NUMBER OF OFFICERS IN EACH CLASS OF SERVICES UNDER THE INDUSTRIES DEPARTMENT AND THE PROPORTION OF MOSLEMS THEREIN.

	Total number.	Number of Moslems.
(*i*) Gazetted officers ..	7	1
(*ii*) Non-Gazetted officers ..	424	182
(*iii*) Ministerial officers ..	90	36
(*iv*) Field workers ..	Nil.	Nil.
(*v*) Menials	205	97

	Total number.	Number of Moslems.
Sericulture Section.		
(*i*) Gazetted officers ..	3	Nil (1 post unfilled).
(*ii*) Ministerial officers ..	12	3
(*iii*) Field workers (non-gazetted officers) ..	160	55 (9 posts unfilled).
(*iv*) Menials	46	17 (1 post unfilled).

(*c*) NUMBER OF PERSONS TRAINED IN WEAVING AND DYEING AND THE NUMBER OF TRAINED STUDENTS WHO HAVE ADOPTED WEAVING AS A PROFESSION DURING THE LAST THREE YEARS.

	1937-38.	1938-39.	1939-40.
Number of students trained	1,081	1,163	1,083
Number of trained students who have adopted weaving as a profession ..	874	911	655

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*b*), will the Hon'ble Minister kindly say whether qualified Muhammdaan officers were not available for gazetted posts? Out of seven gazetted officers only one is a Muslim.

The Hon'ble Mr. TAMIZUDDIN KHAN: Most of these appointments were made before the present Government came into power. Without a fresh notice it is not possible for me to given detailed answer to this question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*d*), has any experiment been made to find out whether cloth for wearing purposes can be prepared out of jute fibre?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know of any specific experiments, but that is the opinion of our experts that from pure jute, cloth suitable for wearing purposes cannot be prepared.

Improvement and stabilisation of the price-level of raw jute.

63. Mr. BIRENDRA KISHORE ROY CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Agricuture and Industries Department be pleased to state if the Government of Bengal is contemplating any steps, apart from restriction in cultivation, for the improvement and stabilisation of the price-level of raw jute in Bengal?

(*b*) Will he be pleased to state further if the Government of Bengal is contemplating the raising of loan for the purchase of jute by the Government in this connection?

(*c*) Will he be pleased to state also if the Government of Bengal propose to establish regulated jute markets for the stabilisation of the price of jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) As a result of the conference convened by the Government of India in New Delhi, on 4th December, 1940, proposals for disposing of this year's crop at reasonable prices were formulated and these have now been accepted and adopted by the mills. The details of these proposals have been set out in the Press and it is not necessary for me to repeat them here. Briefly they provide for the steady and continuous purchase of a very large quantity of jute over the next four months at prices which shall not be lower than those agreed upon. I believe that this arrangement will go a long way towards solving our immediate problems and will ensure to the growers an improved and steady range of prices for the rest of the current season.

As for the action contemplated in future years to maintain reasonable and stable prices, I would emphasise that regulation of the crop is the fundamental and essential basis upon which any schemes that Government may take up must depend. Regulation of the crop will be carried on not for next year only but for future years after that as well.

It is difficult at this stage to forecast what particular steps Government may take later on, but, speaking generally, I may say that Government are exploring and will explore all possible means of increasing both the holding power and the bargaining power of the grower by the organisation of individuals into corporate bodies with greater strength and larger reserves.

(*b*) No.

(*c*) Yes, when suitable legislation has been passed.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Will the Hon'ble Minister be pleased to state as to how many bales of jute have been purchased by the jute-mills since the latter accepted the arrangement referred to by the Hon'ble Minister and as to whether this purchase has risen to any extent the price level of raw jute in this province in the mufassal?

The Hon'ble Mr. TAMIZUDDIN KHAN: As to the exact number of bales purchased, I want notice. My honourable friend knows that prices have considerably risen since this scheme has been given effect to.

Mr. HUMAYUN KABIR: Is it not a fact that every year prices of raw jute rise about December to February?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know that.

Mr. HUMAYUN KABIR: If he does not know that, then, will the Hon'ble Minister enquire and find out?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think that is necessary.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there is any jute in the hands of the cultivators after the month of December?

The Hon'ble Mr. TAMIZUDDIN KHAN: This year there is a good deal.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state as to whether the Government are aware of the serious state of things that has arisen in the jute market as a result of shortage of freight and the difficulty of exporting jute from this country, and what steps do the Government propose to take to protect the *raiyat* from the heavy fall in price of jute that may result and also whether the Government can give——

Mr. PRESIDENT: Put one question at a time after another; it is no use putting several questions at the same time.

Mr. NARESH NATH MOOKERJEE: My first question is as to whether the Government are aware of the serious state of affairs in the jute trade as a result of the impossibility to effect shipments outside of India owing to shortage of freight?

The Hon'ble Mr. TAMIZUDDIN KHAN: That there is shortage of freight, Government is aware of, but I do not think that the situation is as serious as my friend seems to think.

Mr. NARESH NATH MOOKERJEE: Is the Government aware that from the middle of February the Government have acquired only 75 per cent. of all available freight from India?

Mr. HAMIDUL HUQ CHOWDHURY: Which Government have acquired that?

Mr. NARESH NATH MOOKERJEE: The Government of India.

Mr. HAMIDUL HUQ CHOWDHURY: Our Government do not know that.

Mr. PRESIDENT: That is really a matter for the Central Government.

Mr. NARESH NATH MOOKERJEE: The Government just now said that there is a considerable amount of jute still in the hands of the cultivators. What steps, if any, do the Government contemplate taking to protect their interests against any possible and sudden fall in prices?

The Hon'ble Mr. TAMIZUDDIN KHAN: The steps that Government had taken have been set forth in the answer. Government expect that those steps will be sufficient for the maintenance of a reasonable price so far as the current crop is concerned.

Mr. NARESH NATH MOOKERJEE: Do the Government honestly consider that an emergency of this nature is likely to be at all overcome or even slightly overcome by the arrangements that have been made by Government for maintaining the present price?

Mr. PRESIDENT: That is a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Jute Regulation Act applies to the area which produces crops. It appears that it has now come under the Jute Regulation Act. Will it be advisable to put in this restriction in that area at all?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, only a portion of that area had gone out of cultivation and not the entire area.

So far as the second question is concerned, my honourable friend knows that the Jute Regulation Act is applicable throughout the whole of Bengal, irrespective of the nature of the crop in any particular area.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But, Sir, section 3(*a*) says, "area which does not produce any crop except jute."

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, a definite provision of law is there. When the jute record was made, if any land was recorded as land on which nothing but jute can be grown, in that case that land will be exempted. Whether this particular area was recorded as such, I am not aware of.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If it is not recorded, whether it cannot be corrected by the Act actually like this?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, when the amending Act is enforced.

Bhati area of the Mymensingh district.

64. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether it is not a fact as stated by him in reply to question No. 37 of the last Council Session (of the 5th August last) that a large tract in the *bhati* area of Mymensingh district has gone out of cultivation owing to ravages of early flood and water-hyacinth; and

(*b*) whether he is aware that in a portion of the area which had gone out of cultivation, jute was sown last two years?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes, a large low-lying area known as Bara Hawr in Ashtagram police-station of the Mymensingh district has gone out of cultivation on account of the ravage of water-hyacinth and early flood.

(*b*) Yes.

Weaving School of Midnapore.

65. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the qualifications of each of the teachers of the Weaving School at Midnapore and the actual pay drawn by each of them;

(*b*) the percentage of the students passing out of the said school who have taken to weaving as profession or are employed anywhere; and

(*c*) whether the Government or the Industries Department have made any arrangement for selling the articles prepared by the students or the ex-students of the said school; if so, what is it?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) A statement is laid on the table.

(*b*) 89 per cent. of the passed students have taken to weaving as a profession. Only one such student has been employed as Artisan Assistant in the Industries Department.

(*c*) The Marketing and Publicity Officer of the department renders all possible assistance to them in the marketing of their products. I have under consideration a scheme of marketing of small and cottage industry products and when that scheme is put into effect, more facilities for the marketing of the products of the ex-students of weaving schools who have taken to weaving as a profession, will be available.

Statement referred to in the reply to clause (a) of question No. 65.

Designation of teacher.	Qualification.	Pay drawn.
		Rs.
1. Head Master ..	Completed the higher course of the Government Weaving Institute, Serampore, but did not take the final examination.	100
2. Assistant Master ..	Completed Artisan Course of the Government Weaving Institute, Serampore. ..	30

Mr. LALIT CHANDRA DAS: Arising out of the statement, when was the post of the Head Master advertised?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the persons who were available took the final examination for appointment as the Head Master?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether the Assistant Master also had any certificate?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, I want notice.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*c*), will the Hon'ble Minister please state when his scheme is likely to mature and come into effect?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, it will depend on the budget being passed in the current Session of the Legislature.

Functions of the Employment Officer.

66. Mr. B. K. RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the functions of the Employment Officer of the Government of Bengal?

(*b*) Is not securing employment for Bengalis in commercial firms one of his duties?

(*c*) If the reply to part (*b*) be in the affirmative, will he be pleased to state if the Employment Officer has made any enquiry regarding the dismissal of Bengali employees from Marwari firms, particularly that of Ramdutt Ramkissendass?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The Employment Adviser was first appointed for the purpose of collection of information regarding existing avenues of employment and the qualification and training required for such employment with a view to making such information available to the youths of the Province so as to enable them to select their career in life at an early stage and acquire the qualification and training required therefor. He collected the information as above and published a hand-book in two volumes showing the existing avenues of employment and the training and education required therefor in respect of (1) employment under Government and semi-Government institutions such as Railways, District Boards and Municipalities and (2) employment in commercial and industrial firms. In 1940 his function was extended to putting potential employers in touch with potential employees in commerce and industry so as to facilitate the employment of Bengalis in larger number in commercial and industrial firms. His efforts in this direction have been limited to attempting to secure employment of Bengalis in the commercial and industrial lines and not in clerical posts.

The Employment Adviser has also been recently entrusted with the work of assisting in the recruitment of suitable young men for training and employment as technicians for war purposes and also for the Armed Forces of the Crown.

(*b*) As stated above it is the duty of the Employment Adviser to put potential employees in touch with potential employers in the commercial and industrial lines, but the final selection always rests with the firms concerned.

(*c*) No. Enquiries into the dismissal of employees are not part of the duties of the Employment Adviser.

Mr. B. K. RAY CHOWDHURY: Will the Hon'ble Minister please state if it is not necessary in the interest of the private employees of Bengal to see that the present employees in the Marwari firms are not dismissed merely because they happen to be Bengalees?

The Hon'ble Mr. TAMIZUDDIN KHAN: As I have already said, Sir, that is not a part of the duty of the Employment Adviser. Moreover, in this particular case, as far as I have been able to gather, the employees alleged to have been dismissed never approached the Government or the Employment Adviser.

Questions tabled for current Session and replies thereto.

Famine in Birbhum, Bankura and Murshidabad.

1. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) what is the difference between famine and scarcity conditions;

(*b*) whether the conditions that are prevailing are "famine conditions" or "scarcity conditions" in (*i*) Birbhum, (*ii*) Bankura and (*iii*) Murshidabad;

(*c*) whether it is a fact that the prevailing conditions, no matter whether famine or scarcity, have affected the masses in any of those districts; and

(*d*) what steps the Government have taken or propose to take for the amelioration of the distress consequent upon these conditions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Famine is severe distress. The stage of scarcity is intermediate between the stage of observation and test and that of famine. At this stage owing to natural causes, such as a good *mahua* or other special harvest, or to remedial measures, such as the timely and adequate distribution of loans under the Land Improvement and Agriculturists' Loans Acts, the distress, though prolonged, and requiring some relief in the form of relief works and gratuitous relief, is not so severe.

(*b*) and (*c*) "Scarcity" prevails in parts of the district of Birbhum There is at present no "scarcity" or "famine" in the districts of Bankura and Murshidabad but owing to insufficient rainfall the outturn of crops in these districts is not satisfactory and there is some distress.

(*a*) The following steps have been taken for the amelioration of the condition of people in the affected areas:—

(1) *Birbhum.*—Government have sanctioned a sum of Rs.20,000 for test relief works. A sum of Rs.75,000 has been allotted for the improvement of irrigation tanks under the Bengal Tanks Improvement Act as test works and a sum of Rs.25,000 has also been sanctioned for distribution as land improvement loans for the excavation of irrigation tanks. The re-excavation of tanks throughout the district where cultivation depends greatly on irrigation, is expected to bestow a lasting benefit on the agriculturists in the district. Further a sum of Rs.50,000 has been placed at the disposal of the Collector for distribution as gratuitous relief under the Bengal Famine Code. Besides this a sum of Rs.2,000 has also been sanctioned out of the accumulated interest at the credit of Joy Govind Saha's Fund which is at the disposal of Government, for charitable relief among persons who though not entitled to gratuitous relief under the Famine Code because of age, social custom, and physical or mental condition, may still be in danger of death from starvation. To meet the scarcity of fodder a sum of Rs.25,000 has been placed at the disposal of the Collector for distribution as agricultural loans. A sum of Rs.50,000 has also been sanctioned in addition to the usual water-supply grant for sinking tube, masonry and ring wells.

(2) *Bankura.*—A sum of Rs.15,000 has been sanctioned for distribution as agricultural loans and a sum of Rs.5,000 has been allotted for distribution as land improvement loans. The question of improvement of tanks under the Bengal Tanks Improvement Act as test works is under consideration.

(3) *Murshidabad.*—A sum of Rs.25,750 has been sanctioned for distribution as agricultural loans and a sum of Rs.40,000 has also been placed at the disposal of the Collector for granting land improvement loans for re-excavation of irrigation tanks. Further a sum of Rs.25,000 has been sanctioned for test relief works under the direct control and responsibility of the Collector. Besides this an amount of Rs.3,000 has been placed at the disposal of the Collector for distribution as gratuitous relief. It is also proposed to take up the improvement of tanks under the Bengal Tanks Improvement Act as test works.

Further measures for affording relief to the people of the districts will be taken as and when necessary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (After reading out the printed answer.) Sir, I may inform the House that since this reply was printed, the work has already been taken up.

Mr. HUMAYUN KABIR: Sir, it is said that there is no scarcity in Bankura and Murshidabad, but there is some distress. Will the Hon'ble Minister be pleased to state how to distinguish between words "scarcity" and "distress"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is not the dictionary meaning that we are following. There is distinction between the words "famine," "scarcity" and "distress," as used in the Famine Code.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to prepare a calculus by which we will know how to describe and distinguish the words "distress," "famine" and "scarcity"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I leave it to the intelligence of my honourable friend Mr. Kabir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if distress is not the result of scarcity?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sometimes it is so.

Mr. LALIT CHANDRA DAS: Is not, in this particular case, distress the result of scarcity there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, we are not actually following the dictionary meaning of the word "scarcity." "Scarcity" has a special meaning as mentioned in the Famine Code.

The Hathizari-Ram Ghosh Road and the Arracan Road.

2. **Mr. NUR AHMED:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that the roads named below are important roads of provincial importance in Chittagong—

(1) the Hathizari-Ram Ghosh Road from Chittagong to Ramgarh; and

(2) the Arracan Road from Patiya to Rauzan and from Rauzan to Cox's Bazar?

(*b*) Is it a fact that the present conditions of these roads are most deplorable and they have become unfit for vehicular traffic?

(*c*) Is it a fact that these roads are used by lakhs of people and are only means of conveyances to all important thanas of Chittagong?

(*d*) If so, what steps have the Provincial Government taken to improve these roads for public convenience?

(*e*) If not, do the Government propose to provincialise these two roads and get them improved with the contribution from petrol duty fund with the Government of India?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (1) There is no road as the Hathizari-Ram Ghosh Road from Chittagong to Ramgarh.

(2) The Rauzan-Ramu Road *via* Chittagong is of provincial importance and Rauzan-Patiya and Ramu-Cox's Bazar are feeder roads (District Secondary as classified by our Special Officer).

(*b*) No, I understand in dry season the roads are fit for vehicular traffic.

(*c*) Yes, the roads are largely used.

(*d*) No steps have been taken to improve the roads up till now.

(*e*) No. The subventions received from the Government of India from the Central Road Fund are limited, and it is doubtful if it will be possible to undertake any new scheme in Chittagong in the near future.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if there is any road named "Hathizari-Ram Ghosh Road"? (Apparently it is a mistake for "Hathizari-Ramgarh Road.")

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, Sir.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if it is maintained by the Provincial Road Fund?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: No, but it is a road of provincial importance.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if it is not a fact that there are few roads in Chittagong which are motorable?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am not quite sure if they are so few as that. As a matter of fact, I

may state for the information of my honourable friend Mr. Nur Ahmed that we have spent about Rs.6 lakhs from the Road Fund for the improvement of roads in that district.

Mr. HUMAYUN KABIR: Sir, before you take up the business of the Order Paper, I may ask through you——

Mr. PRESIDENT: There is another question, No. 56, to be answered by the Hon'ble Mr. Suhrawardy. He was not present when the question was called, and it was postponed.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I apologise for not being able to be present at the time when the question was called out.

Complaint against the Inspectors of Factories.

56. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state if it is a fact that the Organising Secretary of the Press Employees' Association applied to him through the Chief Inspector of Factories, on the 3rd August and 20th November, 1940, complaining against the Inspectors of Factories?

(*b*) If the reply to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state if any action has been taken by the Government in this matter? If so, what are they? If not, why not?

(*c*) Will the Hon'ble Minister be pleased to state the number of cases from January to November, 1940, filed against the presses by the Factory Inspectors under the Payment of Wages Act and Workmen's Compensation Act? If so, what was the result of those cases, and what were the names of the Inspectors and the Managers of the presses concerned?

(*d*) Will the Hon'ble Minister be pleased to state the number of inspections and enquiries in this year by the Factory Inspectors and names and numbers of the presses inspected?

(*e*) What was the result of such inspections?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) The complaints against the Inspectors were investigated and found to be without foundation.

(*c*) None under the Payment of Wages Act. The Factory Inspectors are not concerned with prosecution under the Workmen's Compensation Act.

(*d*) A statement is laid on the Library table.

(*e*) The irregularities noticed in the course of inspection were rectified as far as possible.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate—

(1) Mr. Kamini Kumar Dutta,

(2) Begum Hamida Momin,

(3) Raja Bhupendra Narayan Sinha Bahadur, and

(4) Mr. J. B. Ross,

on the Panel of Chairmen for the current Session.

Personnel of the House Committee.

Mr. PRESIDENT: Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (*Chairman, ex-officio*),

(1) Mrs. K. D'Rozario,

(2) Mr. Ranajit Pal Choudhury,

(3) Mr. Meshahuddin Ahmed,

(4) Mr. W. F. Scott-Kerr,

(5) Rai Bahadur Keshab Chandra Banerjee, and

(6) Mr. Kanai Lal Goswami

on the House Committee for the current Session.

Governor's Assent to Bills.

Mr. PRESIDENT: I have to inform honourable members that the following Bills which have been passed by both Chambers of the Bengal Legislature have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely—

(1) the Bengal Tenancy (Amendment) Bill, 1940,

(2) the Bengal Local Authorities Census Expenses Contribution Bill, 1940, and

(3) the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940.

Arrests in the Raja Bazar area as the sequel to Mohurrum procession disturbances.

Mr. HUMAYUN KABIR: Before you take up further business on the order paper, may I through you ask from Government for information on the situation which has developed in the Raja Bazar area as a result of certain arrests by the police? I understand that on the day of the Mohurrum, *i.e.*, on Saturday, there was some trouble with the processionists. They did not want to proceed with the procession unless certain wires were removed which stood in the way of the procession and, after a while, the wires were removed. I understand they were removed, though not by the police, still under the orders of the police. I have also heard that some of the Hon'ble Ministers were present at that time. This morning, I understand that various arrests have been made in that area and there is great disturbance in that locality. As I say, the facts have not yet been specified, but since it is a matter of great importance, I beg to enquire through you, Sir, if Government have got any information to offer the House on the matter.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am just coming from that area and near-about. I hope the situation is under control. An enquiry will be made shortly for the purpose to find out what has actually taken place.

Mr. HUMAYUN KABIR: I want to know, Sir, if arrests have been made in that area and, if so, what is the number of persons arrested and for what offences?

The Hon'ble Mr. H. S. SUHRAWARDY: For that, Sir, I ask for notice.

Reference to the death of a sitting member of the Assembly.

Dr. RADHA KUMUD MOOKERJI: Before you take up other items of business, may I regretfully inform this House that an esteemed member of the Legislature has just passed away. He was a member of the Council under the last Constitution and is a sitting member of the other House. His name is Mr. Surendra Mohan Maitra. In view of the mournful character of the event, I would request the Leader of the House to consider whether as a mark of respect to his memory we cannot do anything special on this occasion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I learn with very great regret the untimely and sudden death of my esteemed friend, Babu Surendra Mohan Maitra. I had known him for the last 25 years at least and very intimately. I think it is a very great loss to the Legislature. He was a prominent public man taking a very active interest in politics and in local affairs. I offer sincere condolences on behalf of Government to the members of the bereaved family.

Dr. RADHA KUMUD MOOKERJI: My proposal was whether we cannot adjourn for the day as a mark of respect to the memory of the deceased. I appeal to the Leader of the House to consider this suggestion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is for you to decide, Sir. We have no objection.

Mr. PRESIDENT: The Chair associates itself with the remarks of Dr. Mookerjee and the Leader of the House on this melancholy occasion caused by the death of Mr. Surendra Mohan Maitra. He was a well-known public worker and was for some time a member of the Working Committee of the Congress. I had great pleasure of working with him for a very long time as a Congressman. He was a very esteemable man with charming social qualities. He devoted most of his time to the service of the people of Bengal. It is indeed a great loss to the province to lose a man like him. It is for the House to decide if they would like to adjourn on this occasion. The usual custom, when a member of the House, dies, is to suspend all business for the day. Of course, this is a special occasion and the Chair would have unhesitatingly adjourned the House at once, but there is one difficulty. This day has been fixed by His Excellency the Governor in his individual judgment for presenting the Report of the Public Accounts on the Appropriation Accounts and Finance Accounts of the Government of Bengal.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to suggest that after that item is disposed of, we may adjourn.

Presentation of the Supplementary Estimates.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, under section 81 of the Government of India Act, I beg to present to the Bengal Legislative Council the supplementary estimate for the current year. The total amount covered by this estimate is 1 crore, 67 lakhs, 19 thousand rupees. The demands are spread over 14 heads two of which, namely,

"Interest Free Advances" and "Loans and Advances," are outside the Revenue Account. The reasons for these demands have been set forth in the explanatory memorandum under the respective heads of account. The biggest demands under the service heads are about 55½ lakhs under "Agriculture," about 7 lakhs under "Education" and about 6 lakhs under "Police."

The increase under "Agriculture" is due to the various measures adopted since the Budget was passed with a view to secure a fair and equitable price for jute. As the House is aware, the high level attained by jute prices soon after the outbreak of war was not maintained for any length of time and a very sharp decline occurred in June and July. With a view to secure an adequate price for the new crop which would soon be on the market, it was decided to purchase Ready L.J.A. First (old crop) *pucca* bales at a cost of about 30 lakhs including charges for storage, insurance, etc. At the same time it was decided to regulate the size of the jute crop in the coming year so as to bring supply into line with demand. This decision involved the preparation of a fresh record of lands where jute has been grown this year, and the issue of licences for next year's crop in terms of the Bengal Jute Regulation Act, 1940. It was also considered essential to supply cultivators with seeds of substitute crops which may be grown with profit on areas to be set free by the impending restriction of jute sowings. The additional expenditure involved in these items constitutes the bulk of the demand under "Agriculture."

The supplementary demand of 7 lakhs under "Education" is intended to cover additional grants to District School Boards for development of primary education.

The increase of 6 lakhs under "Police" is due to special measures undertaken for the preservation of the peace and tranquillity of the province in the midst of the somewhat unsettled conditions induced by the war. The most important of these measures were the entertainment of a special intelligence staff, the creation of a range reserve and the organisation of Civic Guards in all important towns. One-third of the expenditure on Civic Guards will, however, be borne by the Government of India.

Outside the Revenue Accounts the demands are 30½ lakhs under "Interest Free Advance" and 60 lakhs under "Loans and Advances bearing interest." The first of these is due mainly to the advance of 30 lakhs for the purchase of jute—an advance which will be adjusted as soon as the actual expenditure has been booked in the "Agriculture" Budget to which it is properly debitable.

The second demand includes two items, namely, 55 lakhs for the supply of crop loans to cultivators mainly through the agency of co-operative societies and 5 lakhs for agricultural loans under the ordinary

rules. The crop loans are repayable within a period of twelve months from the date of issue. It is hoped that the issue of crop loans on this scale by Government will contribute in some measure towards a solution of the problem of short-term rural credit which has become so acute of late.

Presentation of the Public Accounts Committee Report.

Sir, in pursuance of rule 109 of the Bengal Legislative Council Procedure Rules, I beg to present to the Council the Report of the Committee on Public Accounts on the Appropriation Accounts and Finance Accounts of the Government of Bengal for the year 1938-39 and the Audit Reports, 1939.

Demand for Excess Expenditure.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to present the demand in respect of expenditure incurred in excess of the amount sanctioned in 1938-39.

Such excess occurs under two heads—other taxes and duties, and superannuation allowances and pensions. The reasons for this excess have been set forth in Appendix II to the Report of the Public Accounts Committee which has been just now presented to the Council.

Khan Sahib ABDUL HAMID CHOWDHURY: May I enquire, Sir, through you, if the discussion on the Appropriation Accounts will take place to-morrow?

Mr. PRESIDENT: Yes, it has been fixed for to-morrow by Government.

Khan Sahib ABDUL HAMID CHOWDHURY: In that case, it will be very difficult for us to discuss the matter usefully, as we have received the Accounts just now and we cannot go through them within such a short time.

(Many honourable members expressed similar views.)

Mr. PRESIDENT: Your contention is correct. What has the Hon'ble Finance Minister to say on this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: The arrangement was that it should be discussed to-morrow, but if honourable members are not agreeable to this proposal, we shall fix a suitable date to suit their convenience.

Mr. PRESIDENT: Order, order. The House is now adjourned without completing the agenda on the Order Paper, as a mark of respect to the memory of Mr. Surendra Mohan Maitra, till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 11th February, 1940.

Members absent.

The following members were absent from the meeting held on the 10th February, 1941:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Rai Bahadur Keshab Chandra Banerjee.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(7) Khan Bahadur Syed Muhammad Ghaziul Huq.
(8) Khan Bahadur Muhammad Asaf Khan.
(9) Maulana Muhammad Akram Khan.
(10) Dr. Kasiruddin Talukdar.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 11th February, 1941, at 2-15 p.m., being the second day of the First Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the HON'BLE MR. SATYENDRA CHANDRA MITRA) was in the Chair.

Questions outstanding from previous Session and Answers thereto.

Construction of a bridge over the Dhurang khal.

67. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if it is a fact that a proposal for construction of a bridge over the Dhurang *khal* of the Fatieksary thana of Chittagong near Pyandang village was made some time back and that an estimate was prepared for the same? If so, why no action has as yet been taken in regard to the same?

(*b*) Are the Government contemplating to take any action in this matter as early as possible? If not, why not?

(*c*) Have the Government arrived at any final decision regarding the construction of a bridge over Sarta *khal* and as well as the re-excavation of Dhurang *khal* and the straightening of the zig-zag course of Halda of Chittagong? If not, when will the final decision be arrived at in these matters?

(*d*) Is it a fact that the river near Karnafuly bridge is being silted up owing to construction of bridge and filling up both sides of the river by the Assam-Bengal Railway? If so, what steps do the Government propose to take in the matter to keep the flow of water in the river free and unobstructed?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) A representation was received by Government but no estimate was prepared. No action has been taken on it as there is no chance of funds being available in the near future.

(*c*) I am glad to be able to inform the honourable member that Government are prepared to spend Rs.73,000 for the construction of the Sarta bridge. I am trying to provide funds in the next year's budget for the re-excavation of the Dhurang *khal*. Regarding the straightening of the zig-zag course of the Halda, I enclose a statement which explains the position.

(*d*) No. Investigations made so far go to show that the bridge over the Karnafuly river offers no obstruction to the free flow of water.

Statement referred to in the reply to clause (c) of question No. 67.

Government are informed that the river Halda falls into the Karnafuly which has not only a high flood range but is also tidal. In fact tides travel up the Halda to Peskarhat, and even during the low tide season the tidal action is found to be quite vigorous, the range being 6 to 7 feet. The Halda has to struggle constantly against the tides in trying to dispose of its drainage into the Karnafuly and necessarily seeks a length for its course to enable it to perform this function most efficiently. Shortening the length by cutting off the bends may not help it in discharging this function, as this will strengthen the tidal action against which the up land flow has to struggle. Any attempt to straighten the course by cutting off the loops may not be successful; on the contrary, it will probably result in the river's trying to regain its lost length elsewhere by a fresh attack. In fact the vigorous erosion of the Madarsha village which is now in progress may have been induced or at least aggravated by the chord cut which was made some years ago across a loop higher up. This being the position it would be more prudent to leave it to nature to adjust the length, if necessary by a natural cut off, than to interfere with a natural phenomenon by artificial action.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir,——

Mr. HUMAYUN KABIR: Sir, are the questions over?

Mr. PRESIDENT: It has been brought to my notice that Sir Nazimuddin is ill and that he will not be able to attend; so questions relating to his department are postponed.

Mr. HUMAYUN KABIR: What about question No. 3 of to-day's list?

Mr. PRESIDENT: That question relates to the department of the Hon'ble Mr. Prasanna Deb Raikut, who is also absent.

Reference to the situation arising out of Rajabazar disturbances.

Mr. HUMAYUN KABIR: In that case, Sir, may I repeat the question which I asked yesterday with regard to the affairs that took place at Rajabazar yesterday? I tried to elicit the information yesterday but it was not available. Before we take any action in the matter,

we want to have a statement from Government about the incident. There was serious rioting and there was occasion for using tear gas bombs in those areas. Early on Monday morning, a particular locality at Sahebbagan was surrounded by Police at about 3 a.m.! We are anxious to know how the incident came about, what action has been taken in the matter and what is the situation now. I would ask through you, Sir, for a statement from the Government with regard to this incident.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Hon'ble the Home Minister, as I had occasion to tell you, is indisposed and in his absence it is difficult for any one else to make a statement on behalf of Government on this question; but as the matter is really of great importance from the point of view of the public, Government hope to make a statement at the earliest possible opportunity when all information will be in their possession. So, they do not want to make any statement now without being in possession of all the facts.

Mr. HUMAYUN KABIR: If it transpires later that there has been an excessive use of the police force, shall we then be able to draw the attention of the House and the Government through a motion for adjournment? There is a general presumption from the enquiries which we had made that there has been an excessive use of the police force in certain of those areas. And when I represented the matter to you, Sir, you asked me to raise the matter on the floor of the House so that proper steps might be decided upon after hearing the Government on the subject. Now, the answer is being postponed for the present. Shall we thus lose our right to move an adjournment motion?

Mr. PRESIDENT: You will be absolutely within your rights to do so then, if you do not feel satisfied with the statement made by Government. That will be the proper time.

Mr. NARESH NATH MOOKERJEE: Will the question of urgency stand in the way of moving an adjournment motion then?

Mr. PRESIDENT: Under the special circumstances of this case, I shall waive the question of urgency.

Mr. HUMAYUN KABIR: Thank you, Sir, for this assurance.

Dr. RADHA KUMUD MOOKERJI: May I be permitted by the House to raise a point of privilege which arises out of item No. IV in the agenda? My point is this: I take it for granted that the Hon'ble the Finance Minister in presenting the Report of the Committee on Public Accounts before this House was armed with proper authority

to do so. I do not know under what authority he was able to submit this report to this House. I suppose he took action under section 109 of the Bengal Legislative Council Procedure Rules. It reads as follows:—

"The Report of the Committee on Public Accounts——

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On a point of order, Sir. Would it not be advisable for the honourable member to raise this question when the Hon'ble Finance Minister is present? Moreover, this particular item on the agenda comes after other items.

Mr. PRESIDENT: Every member has a right to raise a point of order at any moment. I understand the Hon'ble Finance Minister will be coming to the Council very soon and I would request Dr. Mookerjee to wait and to raise this question then.

Dr. RADHA KUMUD MOOKERJI: Thank you, Sir.

NOTICE OF AMENDMENTS.

The Hon'ble Mr. TAMIZUDDIN KHAN: I beg to give notice of the following amendment to Mr. Nur Ahmed's motion for reference to a Select Committee of the Bengal State-Aid to Industries (Amendment) Bill, 1940, at the current session of the Council, namely,—

That the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th November, 1941.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry that the notice that I gave during the last session of the Council has lapsed and I have got to give a fresh notice with regard to this Bill of mine, namely, the Bengal Agricultural Debtors (Second Amendment) Bill, 1940. The matter may stand over for the present.

Mr. PRESIDENT: Is the Hon'ble Minister sure that the Governor's previous sanction was obtained?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir, it was obtained; in fact, the Bill has come from the Assembly.

(At this stage the Hon'ble Chief Minister entered the Chamber.)

Disturbances in the Rajabazar area as the sequel to Mohurrum procession.

Mr. HUMAYUN KABIR: Now that the Premier is here, we may have a statement on that matter. The Premier probably has knowledge

about the whole situation. I desire to have information from the Premier about the incidents which happened yesterday at Saheb bagan in that area.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not know either the origin or the end of the disturbances; I know something in the middle. I am not in a position to make any statement, for I do not know the complete facts.

Mr. LALIT CHANDRA DAS: Is the riot still going on? The Hon'ble the Chief Minister has said he knows something in the middle.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I do not know how it began: nor do I know how it ended.

Dr. RADHA KUMUD MOOKERJI: Sir, may I now be permitted to pursue my point?

Mr. PRESIDENT: The Hon'ble the Finance Minister has not yet come.

The Official Trustees (Bengal Amendment) Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Official Trustees (Bengal Amendment) Bill, 1940, be taken into consideration.

Mr. PRESIDENT: Motion moved that the Official Trustees (Bengal Amendment) Bill, 1940, be taken into consideration.

The question before the House is: that the Official Trustees (Bengal Amendment) Bill, 1940, be taken into consideration.

(The motion was agreed to.)

Clauses 1, 2, 3 and 4.

Mr. PRESIDENT: The question before the House is that clauses 1, 2, 3 and 4 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the Title and the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move, with your permission, that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bill, as settled in the Council, be passed.

(The motion was agreed to.)

(The Hon'ble Finance Minister now entered the Chamber.)

Point of Privilege.

Dr. RADHA KUMUD MOOKERJI: Sir, I am grateful to you for the permission you have been pleased to give me to raise a point of privilege arising out of item No. 4 in to-day's agenda. I take it that the Hon'ble the Finance Minister in presenting before the Council a report of the Committee on Public Accounts had due authority to do so. I think I may assume that the Finance Minister was having section 169 of the Government of India Act in view which requires that the reports of the Auditor-General of the Province shall be submitted to the Governor who shall cause the accounts to be laid before the Provincial Legislature. Now, the point that I wish to raise is this. If he has been acting under the authority conferred upon him by section 169 of the Statute by which Government is required to lay before the Provincial Legislature the report of the so-called Public Accounts Committee, I should like to remind him of one fundamental point, namely, that the words used in this section are "Provincial Legislature" and not any individual House of the Legislature. Now, in my humble opinion the procedure that is required by law has not been carefully followed or rather I may say it has been violated and in that sense a breach of privilege of the House has been definitely committed. I am sorry to say that I have had many occasions of rising to points of order affecting the privileges of this House, and that I am compelled to raise another point now with regard to the report of a Committee. I want to know whether this Council has any kind of connection with that Committee and whether it is proper for the Hon'ble the Finance Minister to inflict upon this House a report which has not arisen out of this House. This House can consider only the proceedings of Committees set up by itself. This House need not worry itself at all about what proceeds from Committees appointed at any other place; and therefore I do not see how the Hon'ble the Finance Minister is justified in asking the opinion of the Council on something which does not at all come within their purview.

Sir, very probably, Government are being influenced too much by their own conception of the powers and privileges of Second Chambers, and their conception is dominated by the conventions of the British Constitution. Some of these conventions, I may say, are not yet written laws; whereas, here, we are really functioning within the four

corners of that written document which is called the Government of India Act of 1935. Here there is no loophole for any doubt and we are not acting upon any unwritten law here. The second cause of misconception on the part of Government is that, perhaps they are always thinking that a second chamber has nothing to do with Budgets or Finance Bills. No doubt, in the British Constitution the House of Lords has had its powers somewhat clipped, but there is a reason for it. The House of Lords in the British Constitution is a hereditary body, and not at all an elected body; whereas, in the scheme of the Bengal Legislature, we, in the Upper House, claim to belong to a House which is predominantly an elected body and its elective character cannot be missed. With election there always follow certain very important powers and privileges, and we as loyal members of this House must carefully guard and protect these against invasion from quarters which are not well posted in the requirements of the law, from quarters which are not expected to take much interest in the proceedings of this House, because the persons concerned are not members of the House. So, my point is this: that if you consider the rules and conventions and precedents set up under constitutions which have elected Second Chambers, you will find that the practice is as it is implied in the Act, I mean the Government of India Act, 1935, namely, that this House can concern itself only with reports of its own Committees and not with the reports that emerge from any other source. It is difficult in these days of War when Constitutions are in the melting pot, or when Constitutions are not functioning in their natural forms, to refer to precedents and practices; but still I cannot desist from reminding the Hon'ble the Finance Minister of one practice noticeable in the French Constitution where the Second Chamber is an elected body. It is invariably the practice that the Public Accounts Committee must have some connection with either House; otherwise, it is impossible for any legislature to consider matters which do not arise out of the proceedings of the particular House concerned. I, therefore, honestly feel that the provisions of the Constitution here are not being carefully observed in regard to such an important matter. As a member of this House, I have a further grievance to lay before you and it is this: that, we have not had sufficient notice of the matter nor have we been allowed sufficient time to go through the details of reports which have arisen elsewhere. Perhaps if we had been taken into confidence we would have our own line of criticism with reference to many matters that have come under the purview of the Public Accounts Committee and arrived at different conclusions. Since this Council was not allowed to take its proper place in the determination of a matter of vital importance to the whole province, the Upper House will not be discharging its duty to the public if it does not assert its right to be consulted with regard to the public accounts of the province.

Mr. LALIT CHANDRA DAS: Sir, I want to add a few words in this connection. It is undoubtedly quite legitimate for the members of this House to feel that we should have the right of scrutinising the public accounts and the reports thereon so that the members of this House may have the privilege of examining them when they come up before this House. We may not have the right of voting on grants; but save and except this we have all other privileges in common with the members of the other House. The budget is also presented to this House and we have the right to discuss the budget and to express our opinion thereon. So far as the examination of the Public Accounts, the Appropriation Accounts and the Finance Accounts of the Government of Bengal are concerned, the question of voting does not come in. It is a matter of actually examining the items of expenditure—how the money has been spent. It is a privilege in which the members of this House are greatly interested. Then, Sir, there is a misgiving in this connection as to whether what we want can be met by raising a motion of privilege in this House. In this connection, I desire to inform the House through you that I have given notice of a resolution to the effect that a Committee should be formed by this House consisting of members of this House for the purpose of examining the Public Accounts, Appropriation Accounts and Finance Accounts of the Government of Bengal; that it should be done yearly and that necessary alterations of the rules should be made. I know, Sir, the Finance Minister has taken advantage of Rule 107 of the Bengal Legislative Council Procedure Rules. Rule 107 says: "When the accounts of the Province and the reports of the Auditor-General thereon have been laid before the Council, the Secretary shall cause them to be published, and a copy of the accounts and the reports shall be made available for the use of each member". I believe it is under this rule that the accounts have been placed before this House. What I feel is that we should have the privilege of having a Public Accounts Committee. With these words, I support what has fallen from the mouth of my friend Dr. Radha Kumud Mookerji.

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose, Sir, there is no objection raised by my friends opposite regarding the discussion of the Audit Reports of 1939. So far as the audit reports are concerned, I take it that they have been rightly placed before the Council——

Dr. RADHA KUMUD MOOKERJI: If they are presented to this House through the Public Accounts Committee of another House, no legal cognizance can be taken——

The Hon'ble Mr. H. S. SUHRAWARDY: So far as the Audit Reports are concerned, they are not placed through anybody, because the audit reports of the Auditor-General are independent of the Public Accounts Committee.

Mr. PRESIDENT: Rule 108 of the Bengal Legislative Council Procedure Rules states: "No discussion of the Accounts of the province and the reports of the Auditor-General thereon shall take place in the Council until the report of the Committee on Public Accounts on such accounts and reports has been presented to the Council under rule 109". It is a very important matter and it should be discussed dispassionately. It is not so much the laches of the Government alone. The Council also cannot escape the responsibility in this matter for not framing rules providing for the constitution of a Public Accounts Committee of this House. The rights of this House about the constitution of a Public Accounts Committee of its own have not yet been questioned. The Government of India Act has definitely provided that the reports of the Auditor-General relating to the accounts of the province should be laid before the Provincial Legislature.

Under section 84(*1*) of the Government of India Act, this House has been given power to make rules for regulating the procedure regarding conduct of their business. Under our rule 109, the report of the Committee on Public Accounts and the reports of the Auditor-General thereon shall be presented to the Council by the Finance Minister. But, unfortunately, our present rules have no provision as to the manner in which the Public Accounts Committee of this House may be constituted. This question has now been raised on a point of privilege. And I think the matter should be referred to the Committee of Privilege at the first instance. If the report from the Committee is for the constitution of such a Committee and also suggests the manner in which it should be constituted, then our rules should be so amended as to make provision for the constitution of such a Committee of Public Accounts.

On going through the authorities that have dealt with the manner in which a scrutiny is made of the Appropriation Reports from the accounting officers and of the report of the Auditor-General thereon, I find that the case is a little different here in India from what obtains in England. In England, the scrutiny is made under the Exchequer and Audit Department's Act, 1866. The Controller and the Accountant-General there is an officer of the House of Commons. Therefore, the report is submitted before the House of Commons. But in India, the legislatures function under a written constitution and so we cannot follow any convention and precedents where the statute gives us a definite direction. The Government of India Act, 1935, has clearly provided in section 169 that the Appropriation Accounts as well as the report of the Auditor-General shall be laid before the Provincial Legislature, making no distinction between the Upper and the Lower Houses. For the convenience of the House, to scrutinise the report and the Appropriation accounts, the House appoints a Committee, which is now generally known as the Public Accounts Committee, to help it to

discuss those reports. In England, as early as 1831, a preliminary, though isolated, step was taken towards the solution of the problem of scrutinising the accounts. But the credit of giving it a definite shape belongs to the Select Committee on "Public Moneys" appointed in 1856 which made provision for submission of the annual balance-sheet of the actual expenditure. This system of annual scrutiny of accounts gradually grew up till it became a statutory obligation under the provision of the Exchequer and Audit Departments Act, 1866 (section 22). Parliamentary control depends no so much on checks imposed before expenditure takes place but on early audit of the expenditure after it has been incurred and also on an examination by the Legislature of the results of that audit. It is very difficult for the House to go into the details of these Appropriation Accounts in the House itself. So, necessarily, they began as early as in 1831, to appoint a Select Committee of the House to go through the accounts and submit its report before the House.

Now, here in our Provincial Legislature, the Assembly has already provided for the constitution of a Public Accounts Committee in their Rules. Our disadvantage is that in the absence of a report from the Public Accounts Committee of the Council or of a report emanating from a Joint Committee of both the Houses, it becomes unfair on the part of the members of this House to criticise, if necessary, the report of a Committee composed of members of the other House. Another difficulty that will arise in such a contingency will be that, the members of the Public Accounts Committee as it is at present constituted will not be present here to meet in any way the criticisms that may be levelled by the Council. Therefore, *prima facie*, it seems to me that this House should have representation on a Joint Public Accounts Committee of both Houses, failing which, a Public Accounts Committee of its own.

This system of the criticism of the Appropriation reports through a Committee of the Legislature is prevalent in other democratic countries as well. Buck in his well-known work entitled "The Budget in Government of To-day" says at page 276:—"The essentials of the English system of audit are applied in the governments of the British Dominions. The Scandinavian States, too, have imitated this system and so has Switzerland, by establishing in each case an auditing agency responsible to the legislature."

Mr. Findlay Shirras in his book entitled "Science of Public Finance" at page 1044 states:—"There is in the Legislature of France a Commission for the verification of accounts submitted by the Ministers. It is composed of members chosen from the Senate, the Chamber of Deputies, and the Court of Accounts."

In this connection, Mr. Hilton Young may also be quoted from his book "The system of National Finance", at page 152 of which he says: —"For the performance of these duties, close consultation with the

Treasury is necessary and the examination of witnesses and documents. The House itself would be quite unable to do the work. It would have neither the time nor the means; so, it entrusts the task to a Select Committee called the Public Accounts Committee which is appointed for 'the examination of accounts showing the appropriation of the sums granted by Parliament to meet public expenditure.' First established by Gladstone when Chancellor of the Exchequer in 1861, the Committee has ever since been annually re-appointed towards the beginning of the Session in January or February."

As regards the proper function of such a Committee, Buck in his famous book "The Budget in Governments of To-day" states:—"The accounting officer of the department whose accounts are being examined appears before the Committees to explain or justify the payments which have been made. At the conclusion of the hearings the Committee formulates its decisions, with which the Treasury is usually in agreement since both are interested in enforcing regularity and economy in departmental administration." According to Hilton Young, "The Committee is the rod which the Treasury has been shaking over the heads of the Civil Service throughout the year. It is the business of the Treasury to enforce the decisions of the Committee. If the Committee has censured something, the Treasury communicates the censure, adds its own, and tells the department that it must not happen again."

Dr. KUMUD SANKAR RAY: What is the practice in Madras?

Mr. PRESIDENT: I am not in a position to say what is the practice in Madras. But I know that in the United States of America there are three Committees: one is a Committee of the Upper House —Senate; the other is a Committee of the Lower House—House of Representatives; and the third is a Committee of the Department of Accounts. In France, to-day, the Public Accounts Committee which is known as *Cour des Comptes* consists of a First President, Three Presidents of Chambers and twenty Referees or Judges, assigned, seven to each Chamber..... On some occasions, when discussing general questions it sits as a single body, presided over by the First President. The functions of the *Cour des Comptes* are confined to the investigation of accounts conducted entirely through a post-audit. Practically, all accounts of the national Government, both receipts and expenditures, come under its scrutiny.

So, it is evident that in almost all countries where there is a democratic constitution there is a system of scrutiny by a Committee before the accounts are placed before Parliament. I think it is preferable to refer this matter to the Committee of Privileges. It would be

their function to decide whether a joint Committee of both Houses or a Committee of this House alone should be constituted to scrutinise the accounts of the Government.

Dr. RADHA KUMUD MOOKERJI: For the present, Sir, may I then move a resolution to embody the suggestion that I put forward, namely, that this House is of opinion that it should set up a Public Accounts Committee of its own to go into the audit reports and appropriation accounts——

Mr. PRESIDENT: May I suggest that when you have raised it as a point of privilege, it may be referred to the Committee of Privileges where you may have the advantage of hearing the Hon'ble the Finance Minister and any other experts and then make a recommendation which would be placed before the House for final decision?

Mr. HUMAYUN KABIR: Rule 108 of the Bengal Legislative Council Procedure Rules states that "until the report of the Committee of Public accounts on such accounts has been presented" and so on. Now, a Committee must mean a Committee of this House and therefore, Sir, may I submit that there is already a provision for such a Committee in our rules?

Dr. RADHA KUMUD MOOKERJI: My difficulty is that we are a new House, being only three years old; otherwise we too should have pressed for such a Committee. Therefore I think, Sir, that this matter should be carefully examined.

The Hon'ble Mr. H. S. SUHRAWARDY: May I submit one word, Sir? I think the point raised by Dr. Mookerji is very well-taken. The Appropriation Accounts and Audit Report may well be placed before the House for discussion, but inasmuch as one of your rules is to the effect that there should be a Report of the Public Accounts Committee, Dr. Mookerji's point is well-taken that the House should not criticise or discuss any Report of a Public Accounts Committee emanating from another place. Therefore, Sir, I should like, if I may say so, to request Dr. Mookerji and other honourable members of the House to give me a chance to examine this matter and not be so impatient. We have sat over the matter these three years and I would therefore request him not to press his resolution. I would like to examine this question and am prepared to accept his suggestion that the matter may be referred to the Privileges Committee where I may be permitted to make a statement and possibly we can find a way out by which a Public Accounts Committee—whether a Joint Public Accounts Committee or a separate Committee for the Upper House, as the House thinks proper,—may be created.

Dr. RADHA KUMUD MOOKERJI: Sir, I am afraid my point has not been really met. My point is that we have been committing ourselves to illegal action in taking cognizance of something which we are not empowered to do.

Mr. PRESIDENT: Well, what do you say with regard to the Audit Report? The Hon'ble the Finance Minister rather wanted to be given time to consider the matter.

Dr. RADHA KUMUD MOOKERJI: I did not perhaps catch the Hon'ble Finance Minister aright. I thought he was rather asking me to withdraw my objections. (Mr. LALIT CHANDRA DAS: No, no. He was rather very sympathetic and wanted time to consider the matter.) In that case, Sir, I do not press my resolution and with the permission of the House beg to withdraw it. At the same time, I would thank the Hon'ble the Finance Minister for meeting our point so sympathetically.

Mr. HUMAYUN KABIR: Sir, the point that I wish to draw the attention of the House to, is that these rules have been in operation only for a year and therefore it is not correct to say that we have experience of three years of the new reforms; because in a sense we inherited the former rules, the old rules, and not many modifications were made in them; this is the first time that the matter has come up before the House.

Mr. PRESIDENT: That is so. Now, the question before the House is: that the question of the constitution of a Public Accounts Committee of the Upper House be referred to the Committee of Privileges of this House.

(The question was agreed to.)

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 12th February, 1941.

Members absent.

The following members were absent from the meeting held on the 11th February, 1941.

(1) Rai Bahadur Keshab Chandra Banerjee.

(2) Mr. Kamini Kumar Dutta.

(3) Khan Bahadur Alhaj Khwaja Muhammad Esmail.

(4) Khan Bahadur Syed Muhammad Ghaziul Huq.

(5) Khan Bahadur Muhammad Asaf Khan.

(6) Maulana Muhammad Akram Khan.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th February, 1941, at 2-15 p.m., being the third day of the first Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Questions which remained outstanding from the previous Session and Answers thereto.

Collection of education cess in the district of Murshidabad.

37. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) if he is aware that there is a widespread distress in the district of Murshidabad on account of failure of rain and consequent failure of *aman* crop; and

(b) if he is reconsidering the question of postponing the collection of education cess till the next year?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): I have not been informed that there is such a degree of distress in the district as would justify further postponement of the collection of education cess.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state if he is aware that there were floods in the district of Murshidabad in the years 1938 and 1939 and also drought in the year 1940 and that consequently there was failure of crops in the district during the last three years?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already stated that there is some distress in some parts of the district, but it is not of such a widespread character as would justify the postponement of the cess.

Realisation of the education cess in the Chittagong district.

38. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state on what basis and principle the education cess is being levied and realised in the district of Chittagong?

(*b*) Is he aware of the fact that the present process and manner of levying and realising education cess are causing great hardships on petty estate owners and other tenants of Chittagong?

(*c*) Is it a fact that many estates have been sold in auction and are being sold in auction for arrears of education cess under the provisions of Revenue Sale Law of 1859 in the district of Chittagong?

(*d*) How many estates in Chittagong have been sold in auction up to 1939 for arrears of education cess?

(*e*) Is it a fact that the education cess is being realised in Chittagong at the rate of Re.1-4 as against per rupee of public cess payable?

(*f*) Have any special rules been framed by Government for levy of education cess in Chittagong? If so, what are they?

(*g*) Will the Hon'ble Minister be pleased to state if he is aware of the hardship and suffering caused to the Chittagong small landholders by the levy of education cess? If so, does he propose to revise the present methods of levying education cess in Chittagong? If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Education cess is being levied and realised in the manner laid down in sections 29 to 35 of the Bengal (Rural) Primary Education Act, 1930.

(*b*) and (*f*) No.

(*c*) In 1940 four Noabad Taluks only have been sold up to date for arrears of education cess. Permanently settled estates are not sold for arrear of cess only.

(*d*) None.

(*e*) Education cess is being realised at the rates prescribed in section 29 (2) of the Bengal (Rural) Primary Education Act.

(*g*) In view of answers to (*b*) above, this does not arise.

Promotions from the Junior Bengal Educational Service to the Senior Bengal Educational Service.

39. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state on what principles promotions from Junior Bengal Educational Service to Senior Bengal Educational Service are made?

(*b*) Is it a fact that a list of names fit for promotion to Senior Bengal Educational Service is maintained?

(c) Is it a fact that seniority is not respected in giving promotion from among members of Junior Bengal Educational Service in that list, and if so, why?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Promotion from the Bengal Educational Service to the Bengal Senior Educational Service are made mainly on the basis of merit; in cases of equal merit, seniority is the determining factor.

(b) Yes, but only when a large number of vacancies, permanent or quasi-permanent, of a similar nature are likely to occur within a short period: not otherwise.

(c) The names on the list are not in order of seniority but in order of suitability for promotion and this order of priority is followed in making promotion to permanent or quasi-permanent vacancies.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether seniority is not taken into proper consideration even from the list of officers fit for promotion to the senior grade, and whether it will not affect the efficiency of the service and cause resentment among those officers who are passed over?

The Hon'ble Mr. A. K. FAZLUL HUQ: This question is more or less of a hypothetical character, and it is very difficult to say "yes" or "no" to such a question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if he is aware that this was the procedure followed even in the Bengal Civil Service in the case of officers for the Listed Posts but now that has been done away with and now seniority is strictly observed from the list of selected candidates.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think as a general rule it can be laid down that seniority is the only test for promotion. As I have said, it should be seniority and merit combined.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My question is that among the officers in the selected list should it not be according to seniority?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have nothing further to add.

Recommendations of the Primary and Adult Committee's report.

40. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government have accepted the recommendations of the Primary and Adult Committee's Report as published in 1939? If not, which of the recommendations have been accepted and which have not been accepted, and what are the main recommendations of that Committee?

(*b*) Have the attention of the Government been drawn to the recommendations of the said Committee regarding the necessity of amending the Primary Education Act of 1919, and formation of Central Primary Education Board? If so, do the Government propose to take early steps to give effect to these particular recommendations? If not, why not?

(*c*) Is it a fact that Maulvi Nur Ahmed, M.L.C., added a note of dissent to the abovementioned report? If so, have the Government considered his suggestions as contained in his note of dissent? If not, why not?

(*d*) Has the said Committee submitted its report regarding adult education? If not, what is the cause of the extraordinary delay in submitting the said report?

(*e*) What is the total amount incurred for the sitting of this Committee and how much has each of the members drawn as travelling and other allowances out of the total amount spent up to this time?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) to (*c*) The report on primary education of the Primary and Adult Education Committee and its recommendations are still under consideration.

(*d*) The report will be available in the near future. The Committee did not make its final recommendations until September and these necessitated redrafting certain sections of the report.

(*e*) No expenditure on account of travelling allowance for non-official members has as yet been made.

Mr. PRESIDENT: Where is Sir Nazimuddin?

The Hon'ble Mr. A. K. FAZLUL HUQ: He is ill, Sir.

Mr. PRESIDENT: Then the replies which stand in his name will stand over.

Questions tabled for the current Session and answers thereto.

Depredation by wild animals of the Chittagong hills.

3. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if it is a fact that depredations by wild animals are common near the hills and forests in Chittagong?

(*b*) Is it a fact that save only the Ramgarh-Sitakund Range, there are elephants in all the forests of the Chittagong district, while in the Ramgarh-Sitakund Range there are large herds of Gayal or bison? And is it a fact that deer, monkeys, pigs, etc., abound in all the forests, reserved and protected by Government, and take a heavy toll from the crops grown on the land lying near the forests?

(*c*) Is it a fact that sometimes entire fields ready for the sickle are entirely denuded of its crops in a night?

(*d*) If so, what measures have been adopted by the Government to protect the poor villagers from the depredations by wild animals coming from the Government reserved and protected forests?

(*e*) What other facilities do the Government propose to give to the villagers to protect these crops from nightly depredations by wild animals?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) As is normal in agricultural areas adjacent to forests a certain amount of damage is done to crops by wild animals in Chittagong.

(*b*) Elephants frequent most of the forest areas, both Government and privately owned. They are found also in the Ramgarh-Sitakund Range except on its westerr slopes.

Gayal or bison are no longer found in large herds anywhere in the district and are protected under the Wild Birds and Animals Protection Act, 1912 (Act VIII of 1912).

It is not a fact that deer and other game animals abound in Government reserved and protected forests. Their numbers have in recent years been considerably reduced by poachers and indiscriminate destruction of even the females.

Monkeys, parrots and wild rock pigeons abound all over the district and pigs are not uncommon in certain localities. These take a very heavy toll of the villagers' crops, much heavier than any damage done by deer, bison or even elephants—but the villager makes little or no attempt to protect his crops against them.

(*c*) Damage to this extent rarely occurs and then only when the owner of the crop has neglected to take ordinary precautions against it.

(*d*) Government have undertaken an elephant control scheme and have arranged that cultivators are permitted to clear the undergrowth in the reserved and protected forests to a depth of one chain adjoining their fields.

(*e*) None.

Question No. 4 was called, but the Hon'ble Minister in charge, Nawab Khwaja Habibullah Bahadur, of Dacca, was not present.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I read the answer on behalf of the Nawab Bahadur?

Mr. PRESIDENT: I would rather postpone this question for the next day. In the absence of the Minister in charge of the department, members are deprived of their right of getting proper answers to their supplementary questions.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As you please, Sir.

Mr. PRESIDENT: It would be better in future if the Chair is informed in time that any of the Hon'ble Ministers may not attend the Council on a particular day, so that the question relating to his department might be postponed.

(Question No. 5 was also not taken up on similar ground.)

Change in the Personnel of the Privilege Committee.

Mr. PRESIDENT: I am to inform the House that as Mr. A. F. Stark, a member of the Bengal Legislative Council, who was elected by this House to be a member of the Privilege Committee for the current year, has since resigned his seat on the Council, a vacancy has occurred in the said Committee and therefore in accordance with rule 123 and rule 6 (*4*) I nominate Mr. W. B. G. Laidlaw to serve as a member of the said Committee during the remaining term of the present Privilege Committee.

Motion for adjournment.

Mr. PRESIDENT: I have received notice of an Adjournment Motion from Mr. Humayun Kabir which runs as follows:—

That the business of the House do now stand adjourned to discuss a matter of urgent and definite public importance, namely, the action of the police in making indiscriminate arrests in the Saheb Bagan area of

the city in the early hours of Monday morning an ruthless *lathi* charges on members of the public in the forenoon and afternoon of the same day, and the failure of the Government in spite of repeated requests on the floor of the House to supply adequate information or explanation of the incidents which arose out of the action of the police.

Mr. HUMAYUN KABIR: Sir, you will remember that day before yesterday, I asked on the floor of the House for papers in connection with the incident at Saheb Bagan, following the well-known convention in other Legislatures of the world where, on an important occasion like this, such a procedure is followed instead of asking a short-notice question. The day before yesterday, Government were not prepared to give any answer to that question and stated that enquiries were being made. I raised the same matter again yesterday, following the same procedure. In the meantime, I have also been trying to make personal enquiries in the area to find out the truth of the charge of excessive use of police force in that area. As far as I have been able to ascertain, on Saturday there was some trouble with regard to the Mohurrum procession which was proceeding along Upper Circular Road, but somehow or other the incident closed there. Since then we have seen statements in the papers, in the *Hindusthan Standard* as well as in the *Amrita Bazar Patrika* that the Tramway Company did not pursue the matter any further and they did not make any complaint with regard to the incidents which took place on Saturday. On Monday morning I was told by the people of the locality that at about 3-30 or 4 in the morning—the time may not be exact because they were speaking from guess-work—some time early in the morning of Monday, the whole of the area was surrounded, and any one who was coming out of that area was arrested. This led to the possibility of a serious disturbance of the peace in front of the Belliaghata thana. Later, the arrested people were released, but the trouble developed in front of the Tramway depôt and on the Circular Road. On these matters also, I wanted further information on the floor of the House from Government. But from actual reports which have appeared so far in the different papers, and from the enquiries which we have made, it seems that use of force was more than was necessary or required by the circumstances. Government also have not given any satisfactory reply on any of these issues. I also find from the reports in the papers of yesterday in the *Krishak* as well as in the *Azad*, that there were indiscriminate arrests. One Mr. Hazra, who is a Hindu gentleman, is reported to have spoken to Mr. Sobhan, who is the Deputy Commissioner of Police of that area, that he was arrested even though he was a Hindu and had nothing whatsoever to do with the Mohurrum procession. This suggests that actually there has been cases of indiscriminate arrests and the trouble

which ensued arose out of these indiscriminate arrests. Therefore, I have tabled this adjournment motion in order to draw the attention of this House, and if necessary to press the adjournment to its natural conclusion.

Mr. PRESIDENT: Are you satisfied that the arrests were indiscriminate and not done under warrant from properly constituted authority?

Mr. HUMAYUN KABIR: So far as we could gather by making enquiries in the local area, anybody who came out was arrested. I do not know whether the arrests were made under warrants, for I asked Government to make a statement on the floor of the House, but as yet we have no information on that point at all. In the absence of any contradiction from Government, I think we are jutsified in presuming that the arrests were indiscriminate.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I extremely regret that my honourable colleague, the Home Minister, is unwell and is not present in the House to reply to the points that have been raised by the honourable member. In his absence I will very briefly state what Government have got to say with regard to this adjournment motion.

Sir, in the first place, the matter starts out of a case which has been already started under section 143 and the arrests on Monday morning were made in pursuance of the case which had been started on Saturday, the 8th February, under section 143 of the Indian Penal Code. In that view of the matter, Sir, I submit that the adjournment motion would be out of order. But, Sir, in view of the fact that wild allegations have been made during the last two days and charges have been brought forward in the press and otherwise, if you will permit me, Sir, I will make a very short statement as regards what the actual facts were.

In making this statement, Sir, I have got to keep in view the fact that the whole affair is under investigation and may likely form the subject matter of proceedings in courts. I would, therefore, try to avoid any controversial matter as far as possible.

It is known to honourable members that in the afternoon of the 8th of February a number of *tajias* were passing from Circular Road with unusually long poles which were obstructed by the tramway wires, and the *tajias* could not proceed further. The processionists demanded that the wires should be cut, which was somewhat unusual, because this has never occurred before. It so happened that in the course of the altercation that took place a large number of persons, apart from those who were taking part in the carrying of the *tajias*, assembled on the spot. The police tried to argue with them and to ask them to move to one

side, but they would not listen to any request. The situation was then such that the police had to use force or to adopt some other means to meet the wishes of the *tajiawallas*. The use of force would mean perhaps nothing less than slaughter. Hundreds of persons would have been injured or killed and the police, therefore, thought that the best way to deal with the situation at the moment would be to cut the wires and allow the *tajias* to proceed. This was done and the *tajias* were delayed for a few hours, but nothing unusual happened.

Mr. HUMAYUN KABIR: On a point of information, Sir. Were the tramline wires cut by the police on Saturday?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, yes, by the police, I do not say that the Deputy Commissioner himself cut the wires, but it was done at the instance of the police. The police allowed the wires to be cut.

Now, Sir, on that day the wires were cut and the case under section 143, I. P. C., and also under the Police Act for obstruction was started against the persons who were insisting on having the wires cut. No arrests were made on that day because the *tajias* continued to come and finished at about 10 p.m. On Sunday no action was taken and it was decided to arrest those persons who could be identified on Monday morning. These persons live in *bustees* and go out in the early morning for work. It was, therefore, necessary to arrest them in the early hours of the morning. It is not correct to say that the arrests were made at 3 or 4 a.m. in the morning; the arrests were made at daybreak, and what was done was that there were a number of police officers, and arrests were made not indiscriminately but on the identification of police constables. I may mention here that these identifications were made by Moslem constables and under the supervision of superior Moslem officers. After these arrests had been made, they were taken to the thana and were released on bail. Nothing happened further till at about 10 or 11 a.m. in the morning a large crowd began to collect in the streets——

Mr. HUMAYUN KABIR: May I again interrupt the Hon'ble Chief Minister for purposes of information? As I said, I was not in Calcutta that day, but I have read in the papers and have also heard from the people of the locality that as soon as these people were taken to the thana and had reached the thana, a large number of people came there and urged that they should be released on bail. Is it so?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, their release on bail was demanded by these people and that request was complied with. As a matter of fact, when the arrests were being made, many women from many places began to cry for the people arrested, but they were told that

their offence was bailable and they would be baled out and everything was quiet after that. I may mention that wild charges have been made, that huts have been broken into and the womenfolk have been insulted and so forth. I am authorised to say that this is absolutely untrue, and I may also add that some members of this House and of the Lower House who had been to the spot to make investigations on their own, told me that the allegation that the womenfolk had been insulted was absolutely untrue; and not only that, they have admitted that no huts were broken into. Arrests were made only of people as they came out of their huts and only those persons have been arrested who were identified. While in office in the morning, we received information that people had collected attacking tram-cars and were indiscriminately assaulting the people also. Coming to know this, the Hon'ble Home Minister, Mr. Suhrawardy and myself accompanied by the Commissioner of Police and other persons went to Moulali. I met some of the crowd and they listened to me and afterwards dispersed. They then moved on towards Raja Bazar and when we came near the Calcutta Medical School, we saw a large crowd brandishing *lathis* and throwing stones. I came out of my car and went up to them to speak to them, when I was received with an indiscriminate fusillade of brick-bats and stones of all kinds. I came back to my car and stones were thrown at my car, and it was only by accident that one or two stones did not hit my head. After that we did not stay there longer and returned home and, personally, I had no knowledge of what happened further. But I am told that in some places the crowds were so unruly that when Sir Nazimuddin was speaking to them, stones were thrown at him and therefore a *lathi* charge had to be made. I am not going to take the time of the House any longer. But before I sit down I may mention what was the result of the fracas between the police on one side and the mob on the other. In the northern district alone 24 policemen which include two Deputy Commissioners, one Assistant Commissioner, two Sergeants, one A. R. P. officer, and 18 employees of the Tramways Company including Mr. Stamps, Assistant Traffic Superintendent, were injured. On the other side, out of the mob at Raza Bazar, nine men—one Hindu and 8 Muslims—were injured. Three of them were admitted into the Campbell Hospital and the others were dressed and discharged immediately, because their injuries were of a minor character. So the evidence is that the police suffered heavily. So far as I am concerned, I can bear testimony to the fact that during the time I was in the locality the mob became very unruly and extraordinarily boisterous.

Now, Sir, the matter is under investigation, and I am also looking into the matter myself. If I find there was excess on the part of the police—if a shadow of the charge of police excess can be substantiated, —I know how to deal with the matter.

I hope in view of what I have said and in view of the fact that the matter is still under investigation, my friend Mr. Humayun Kabir will not press the motion. At any rate, as I have already submitted, the motion is out of order.

Mr. RANAJIT PAL CHOUDHURY: Was there any death arising out of the riot?

The Hon'ble Mr. FAZLUL HUQ: Not a single death occurred. Out of nine injured, as I have said, six were immediately discharged from the hospital as they had only minor injuries and three have been detained in the hospital and their injuries were not of a very serious nature.

Mr. RANAJIT PAL CHOUDHURY: On a point of information. Was the tram wire cut with the knowledge and consent of the Tramways Company?

The Hon'ble Mr. H. S. SUHRAWARDY: It is at the instance of the police that the tram wire was cut. As a matter of fact, there were two alternatives—either to disperse the mob which would have involved in serious rioting with many injuries and deaths, or to accede to their request, whether reasonable or unreasonable, and cut the tramway wire.

Mr. RANAJIT PAL CHOUDHURY: Were the tram wires cut with the knowledge and consent of the Tramways Company?

H. S. SUHRAWARDY: Yes, the wires were cut by the Tramway authorities themselves.

Mr. HUMAYUN KABIR: Sir, so far as the question of admitting the adjournment motion is concerned, it will be a matter for you to decide whether it is out of order or not. I will not anticipate your decision. In regard to some of the other points dealt with by the Hon'ble Chief Minister in his statement, I may say that his statement meets only half the ground of my motion. If an enquiry into the matter is to be made, the only question we have to decide would be whether the arrests were made indiscriminately or not. We have been told that there was identification and proper steps were taken to find out that actual culprits were taken into custody. Nevertheless, Sir, a question of principle is involved here as to whether action taken

in this matter shows proper judgment in the matter or not; and that is a matter for this House to decide. If, however, the Hon'ble Chief Minister agrees to appoint a non-official enquiry committee—we have bitter experience of official enquiry committees in matters of this type—consisting of members of the Legislatures, it will be useful and——

Mr. PRESIDENT: Order, order. That is a matter not relevant in this connection. The honourable member has heard the statement made by the Hon'ble Chief Minister; and any discussion in the Council is likely to prejudge the issue when the Government propose to start an enquiry in the matter. Besides, I understand that the matter is also *sub-judice*. I rule this motion out of order under rule 99 (*v*) read with rule 89 (*c*) of the Bengal Legislative Council Procedure Rules.

Order, order. The House stands adjourned till 2-15 p.m. on Friday, the 14th February, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 14th 1941.

Members absent.

The following members were absent from the meeting held on the 12th February, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.

(2) Mr. Kamini Kumar Dutta.

(3) Khan Bahadur Alhaj Khwaja Muhammad Esmail.

(4) Khan Bahadur Syed Muhammad Ghaziul Huq.

(5) Khan Bahadur Muhammad Asaf Khan.

(6) Maulana Muhammad Akram Khan.

(7) Dr. Radha Kumud Mookerji.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th February, 1941, at 2-15 p.m. being the fourth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Khasmahal Report of Mr. Stuart.

6. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if his attention has been drawn to the specific recommendations made by Mr. Stuart in his *Khasmahal* Report recently published?

(*b*) (*i*) Which of these recommendations have been accepted by Government up to this date?

(*ii*) Which of them have been rejected by Government and why?

(*iii*) Which of them are still under the consideration of the Government?

(*c*) Have the Government accepted the suggestions of Mr. Stuart regarding collection of revenue from *khasmahal* tenants by *punya* system? If not, why not?

(*d*) What measures have the Government adopted to remove corruption from the administration of *khasmahal* estates?

(*e*) Is it a fact that at the time of Revisional Settlement in Chittagong, the assessment of revenue and rent was revised in some cases 50 to 100 per cent. higher than the previous assessment?

(*f*) Is Government aware that such high assessment is causing hardships to the proprietors of estates and *taluks* under Government? If so, do Government propose to take such steps as they think proper to reduce the assessment to a reasonable level? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Information on all the points is being collected and will be supplied as early as possible.

Bhati area of Mymensingh.

7. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether his attention has been drawn to the statement made by the Hon'ble Minister in charge of the Agriculture Department, in reply to question No. 37 put during the last Council Session (on 5th of August, 1940), that a large tract in the Bhati area of Mymensingh district has gone out of cultivation owing to ravages of early flood and water-hyacinth;

(*b*) whether any relief was given to the tenants of the area by suspending and remitting the rents of the areas that have gone out of cultivation;

(*c*) what action, if any, does the Government propose to take for giving relief to the *raiyats* and landlords of the area;

(*d*) is it a fact that in spite of the pitiable condition of the tenants of this area, the rents of *raiyats* of *khasmahal* lands (particularly of Ashtagram, Nikhli and Bajitpore) were enhanced exorbitantly in the course of last *jamabandi;* and

(*e*) will the Government consider the desirability of starting fresh *jamabandi* proceedings for reducing the rents of the *raiyats* of this area, or in the alternative of allowing abatement of the enhanced portion of rent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Information on all the points is being collected and will be supplied as early as possible.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, will it be necessary to give fresh notice for this question or the information will be supplied automatically?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, the information will be supplied in the usual course.

Mr. HUMAYUN KABIR: When was the notice to this question sent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think just before the current session.

Mr. HUMAYUN KABIR: More than 15 days have certainly elapsed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: 15 days are not sufficient for the collection of so much information.

Jute Regulation (Amending) Act, 1940.

8. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) the date on which the Jute Regulation (Amending) Act, 1940, received the assent of His Excellency the Governor;

(*b*) why the amending Act is not being given effect to; and

(*c*) what was the reason for the delay in giving effect to the Act?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) On 5th September, 1940.

(*b*) and (*c*) The Jute Regulation (Amendment) Act has not been brought into force because it was considered inexpedient and impracticable to apply its provisions to the regulation and licensing operations now in progress owing to the very limited period available for the carrying out of this new and vast programme of work in proper time to enable sowings to proceed in the normal manner.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if he recollects his assurance given to the House that the benefit of the provisions of this Bill would be extended to the cultivators this year also?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir. I did give an assurance but afterwards it was found impracticable to enforce the provisions of the law——

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state how long did he take to prepare the records of these lands?

The Hon'ble Mr. TAMIZUDDIN KHAN: About five to six months.

Mr. HUMAYUN KABIR: Was not the period of four months considered a sufficient period to collect the records, the preparation of which had taken five months?

The Hon'ble Mr. TAMIZUDDIN KHAN: Exactly four months were not available, because although the Bill was passed on the 5th——

Mr. HUMAYUN KABIR: More than five months have passed snice the Governor's assent was given.

The Hon'ble Mr. TAMIZUDDIN KHAN: The sowing season is somewhat uncertain; it depends on the rains coming and when there is early rain licenses for areas to be sown have to be issued in time, so that even if there is an early shower, the cultivators may be able to——

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state which is the earliest period in the year when jute is sown, *i.e.*, when cultivators start the sowing of jute?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think the month of *Magh*.

Mr. HUMAYUN KABIR: In that case is that not a period of seven months between September and March or February?

The Hon'ble Mr. TAMIZUDDIN KHAN: The honourable member knows that very well.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister please state what is the earliest date when jute-sowing in Bengal starts?

The Hon'ble Mr. TAMIZUDDIN KHAN: In February.

Khan Bahadur ATAUR RAHMAN: Is it February or April?

Some hon'ble members: February.

Khan Bahadur ATAUR RAHMAN: Is it not a fact that lands of many tenants have been omitted from the record prepared by the Agriculture Department for showing the jute-sowings last year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Does this question actually arise, Sir? The main question is about enforcing the Act.

Khan Bahadur ATAUR RAHMAN: My point is: whether it is not a fact that some lands on which jute was grown in the previous year were not included in the record prepared by the Jute Regulation Department?

The Hon'ble Mr. TAMIZUDDIN KHAN: That may be so, Sir. I cannot make any positive statement.

Khan Sahib ABDUL HAMID CHOWDHURY: One of my questions has been outstanding from the last session. I do not know what action has been taken to get the information asked for. May I be enlightened as to what action has been taken on it?

Mr. PRESIDENT: A notice was sent to the Administrative Department on the 28th November. Since then several reminders have been sent—one on the 11th December; then again on the 15th January and 4th February this year, and a special reminder was also sent recently. The question relates to the Education Department and the Hon'ble Premier who is in charge of that department, is not here. Is the Leader of the House in a position to make any statement on the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am very sorry I am not in a position to make a statement on the subject. But if my honourable friend, the Khan Sahib, supplies me with the question, I shall certainly draw the attention of the Education Department to it.

Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to give notice that I intend to move during the current session of the Legislative Council that the Bengal Agricultural Debtors (Second Amendment) Bill, 1940, as passed by the Bengal Legislative Assembly, be taken into consideration by the Council and that the Bill, as settled in the Council, be passed.

Mr. HUMAYUN KABIR: On a point of information, Sir. Can the Hon'ble Minister give notice that the Bill be taken into consideration and that it be passed as settled in the Council, simultaneously?

Mr. PRESIDENT: If no amendment is made to the clauses of the Bill, the Hon'ble Minister has the right to move the second motion that the Bill be passed at once, under section 67(*1*) of our Rules.

Mr. HUMAYUN KABIR: I think he has to move the first one first and only after it has been disposed of, he can move the second motion.

Mr. PRESIDENT: But the Hon'ble Minister is now only giving notice of the motion.

Extension of time for presentation of Select Committee Reports on non-official Bills.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, with your permission, I ask for leave of the House for extension of time for submission of the Select Committee reports of two non-official Bills. The first of these is the Bengal Public Demands Recovery Bill, 1940, by Mr. Nur Ahmed. The time for submitting this report has expired but the Select Committee has not been able to finish its labours. I suggest, therefore, that the time for submission of the report be extended up to 15th March, 1941. The other is the Bill to amend the Bengal Revenue Sales Act by Khan Bahadur Saiyed Muazzamuddin Hosain.

Mr. PRESIDENT: You may move your motion formally.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the time for presentation of the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, by Mr. Nur Ahmed be extended up to the 15th March, 1941.

Mr. PRESIDENT: The question before the House is: that the time for presentation of the report of the Select Committee on the Bengal Public Demands Recovery Bill, 1940, by Mr. Nur Ahmed be extended up to the 15th March, 1941.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the time for presentation of the report of the Select Committee on the Bill to amend the Bengal Revenue Sales Act, by Khan Bahadur Saiyed Muazzamuddin Hosain be extended up to the 15th March, 1941.

Mr. PRESIDENT: The question before the House is: that the time for presentation of the report of the Select Committee on the Bill to amend the Bengal Revenue Sales Act, by Khan Bahadur Saiyed Muazzamuddin Hosain be extended up to the 15th March, 1941.

(The motion was agreed to.)

Message from the Assembly.

SECRETARY to the COUNCIL (Mr. S. K. D. Gupta): Sir, I have received the following message from the Bengal Legislative Assembly, signed by the Hon'ble Speaker:—

"The Bengal Motor Spirit Sales Taxation Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 4th February, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,
Speaker,
Bengal Legislative Assembly."

CALCUTTA;
The 13th February, 1941.

Sir, I lay the Bengal Motor Spirit Sales Taxation Bill, 1941, on the Table.

Non-official Resolutions.

Mr. PRESIDENT: The House will now take up discussion of the following Resolution which was moved by Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, on the 13th September, 1940:—

"This Council is of opinion that a representative committee, consisting of members of the Hindu community, be appointed to draft a Bill to provide for better governance, administration and supervision of Hindu public religious charitable funds to which the Hindu public customarily has to contribute and has contributed".

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Mr. President, Sir, during the last Council session I moved a resolution which you have just read, urging the formation of a Committee for the proper administration of the Hindu Public Religious Charitable Funds. Sir, in this connection I may state that last time, before I could finish, the House was adjourned. So I could not put forward all my points. Now I want to draw the attention of the House to two points.

My resolution consists of two parts. One relates to a religious matter, while the other to a semi-religious matter. Now, my proposal is that a Bill should be drafted for the better administration of the public charitable institutions of the Hindus and that a Committee should be formed consisting of representatives of non-official and official

Hindu organisations to draft a Bill for this purpose. It is well-known to everybody that in the past vast sums of money have been bequeathed for charitable purposes by way of endowments. In a great many cases, these properties are being misappropriated by *Mohunts* or others who happen to be in charge of them, the funds at their disposal being diverted for purposes other than those for which the institutions were originally established.

So far as the management of these institutions are concerned, some of them have gone from bad to worse and there is every likelihood that after a time these endowments with all their properties will be squandered and extinguished. So, my suggestion is that a legislation should be passed to safeguard the interests of those charitable institutions. It is quite obligatory on all Hindus to see to their proper management and control. We should see that the original intention of the founders of these endowments is fulfilled. If it is not performed properly, if the management is not carried on in a proper manner, we shall be held responsible both in the eyes of law and God.

The other thing that I propose to refer to is this: in all cases life tenure was given to the *sebait* but unfortunately no provision was made for his removal from office in the case of gross neglect of duty. It was left to private individuals to take steps in Court for the removal of the delinquent trustees. No one was made responsible for the supervision of those institutions. Private individuals do not generally take so much interest as to move the slow machinery of law for removing the delinquent *sebaits* or trustees. If any individual takes interest in such matters, it is very often found that that such interest is based on some personal grudge against the manager or the trustee and not on account of any religious consideration. Even if one takes up the cause of the public, the cost of litigation becomes so heavy that it is practically beyond one's power to carry on with the litigation. For this reason, Sir, it is known to everybody that attempts made by non-officials in the old Legislatures did not succeed as the Executive Government in this country in the past was not responsible to the Legislature. Lest they might tread over the religious susceptibilities of the people of this country, they refrained from moving in such matters having very little idea of the religion of the country. I may remind the House that at that time the Legislature consisted of official majority and so they did not appreciate the necessity for such a legislation. Government in the past used to take up an attitude of complete neutrality in such matters and hence the efforts of the advanced sections of the Indian opinion never bore any fruit. Here, I may mention that no less a person than the illustrious lawyer Sir Rash Behary Ghose once drafted a Bill for the better management of the endowed properties, but he failed to achieve his object of getting it enacted owing to the attitude of neutrality of the Government of the day. As

I have already said, it must be remembered that the Government at that time was run by officials. But times have now changed. Since then the Mussalman *Waqf* Properties Bill has been passed both in the Central Legislative Assembly and in the Provincial Legislative Council. The Hindu Religious Endowment Bills have also been passed by several Provincial Legislatures. In the United Provinces, Bihar and Madras, they have passed that sort of legislation already. Only the other day, the Ajmere *Sharif* Act was passed for the better management of the Holy *Darga Sharif* in Ajmere. I think I need not speak at length to show that public feeling is now aroused very much against the management of the trustees or *sebaits* attached to public religious institutions. Late Deshbandhu Das of revered memory took the lead in launching a *satyagraha* movement against the *Mohunt* of Tarakeswar by way of protest against the mismanagement of the Tarakeswar Temple properties. Civil and criminal suits were instituted by the public against the *mohunts* of the said temple. The decision in good many of them proved how vast amount of properties were purchased from the funds obtained from the public. In this temple where lakhs and lakhs of pilgrims come from different parts of India every year and where crores and crores of rupees are earned by *sebaits* from the pilgrims, not a single farthing is even spent for the welfare of the pilgrims. This is only an instance. There are other various temples and institutions of this kind where the properties are mismanaged and large sums misappropriated for purposes other than those for which the public pays.

There is a strong feeling on this point among the Hindus who feel that there is an urgent and pressing necessity for devising some means by which the funds of these endowments may be properly used for the objects for which these endowments are created. At the same time, there is also a feeling that there should not be undue interference by the Government or by the faiths which are not akin to the faith for which the endowment was created. For example, the Jains would not like any interference with their endowments by any other section of Hindus but would prefer that the work of supervision and improvement should be left to be done by any organisation created by themselves. I think there will be no difficulty which cannot be surmounted. It should be possible to so devise means that every faith may be free to manage and control its own endowments.

The only objection that may be raised is from the Sanatanist and Orthodox Hindus. But I myself being an orthodox Hindu, I can assure them that they would be labouring under misapprehension and misconception, if they think that such legislation would interfere with the religious observances. On the other hand, it will give them every facility to properly manage their estates. No religious rights and sentiments will be affected by the proposed legislation. On the other

hand, it will ensure better management and better performance of *seva* and puja. If a committee be appointed for the better administration of Hindu religious charitable endowments, the members will be Hindus and Hindus only. They will have no power to interfere with the religious side of the question.

Sir, not only the public feeling is very strong in favour of such a legislation at the present moment, but the very fact that the present executive Government is responsible to the people has emboldened me to make the recommendation as embodied in my resolution and I hope and trust the members of the Council will give their sincere support to it as they have done previously to such other matters.

Mr. PRESIDENT: Resolution moved that—

This Council is of opinion that representative committee consisting of members of the Hindu community be appointed to draft a Bill to provide for better governance, administration and supervision of Hindu public religious charitable funds to which the Hindu public customarily has to contribute and has contributed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in the absence of the Hon'ble the Chief Minister it is my privilege to reply to this resolution which has been so ably moved by my esteemed friend the Raja Bahadur of Nashipur. There is no doubt that there is considerable volume of public opinion in this country both amongst the Hindus and Muslims that religious public charitable institutions should be properly administered in conformity with the object for which they were originally founded. It is also a well-known fact that many of these religious charitable institutions are often not properly managed, often the estates attached to them are not properly administered by persons who happen to be in charge of them. But at the same time, Sir, you know and the House is aware that both the Hindus and the Muslims are extremely touchy about any legislative or outside interference with their religion or with their religious institutions. The Raja Bahadur of Nashipur in commending his motion to the House declared that there was a considerable volume of public opinion in favour of his resolution. I was, therefore, expecting that at least half a dozen of the Hindu members of this House would jump up immediately after he had sat down to support the resolution, but, Sir, I was thoroughly disappointed. That shows——(Mr. AMULYADHONE ROY: No, No, you are mistaken.) That shows that the Raja Bahadur had no support from the Hindu members of this House—(Mr. AMULYADHONE ROY: Your presumption is wrong. Mr. HUMAYUN KABIR: Why not say that silence is indicative of consent?) Sir, I would like to continue without interruption from the honourable member. If Mr. Roy wants to give a display of his power of eloquence, he will have ample opportunity of doing so; let him not interrupt me.

Sir, the point that I was submitting just now is that Hindus are extremely sensitive about any interference with their religion or religious institutions and Government must be satisfied as to what the Hindu public opinion is on this question before they commit themselves to any principle. The suggestion of the Raja Bahadur of Nashipur is that a representative committee, consisting of members of the Hindu community, be appointed to draft a Bill to provide for better governance, etc., so that he does not want to wait for public opinion. He wants Government to take it for granted that there is such a demand and Government should accept his proposal by appointing a Committee. I may say, however, that Government are not in a position to do so. They must ascertain the views of the Hindu public; they must find out what the reaction of his proposal is on the Hindu community before they can appoint such a committee. If they find that public opinion is in favour of legislative interference with our religious matters, I am certain that there will be no difficulty in appointing a committee or even in introducing a Government Bill or placing before the House a memorandum which would form the basis of such a Bill. But before they do so, they must be sure that there is need for legislative interference and that there is a real demand for it. As a member of the Hindu community, I would rather leave it to the community itself to remove any maladministration that there may be in a particular shrine or with regard to any particular charitable institution, than invoke legislative interference in a matter like this. This House, Sir, consists of Hindus, Muslims and Christians. Now, I would certainly be very reluctant to invoke the help of my friends to my right regarding any religious matter of the Hindus. Similarly, I am certain that my Moslem friends will not like any interference with their religious institutions by my Hindu friends opposite. If we find that in a particular institution the irregularities or corruptions are such that public opinion has failed to put them right, or the Hindu leaders are unable to make their influence felt for setting things on the proper way, then, of course, legislative interference will have to be invoked and resorted to. Otherwise I personally feel that it will be a mistake to undertake legislation. I would, therefore, suggest that my honourable friend the Raja Bahadur of Nashipur will kindly agree to withdraw his motion. Let him ascertain public opinion. He is a prominent Hindu citizen of Bengal. He is associated with many influential public bodies like the British Indian Association and the Indian Association of Calcutta. If I may venture to suggest, it is his duty to approach these bodies and to ascertain the views of the Hindus through them, before he requests Government to take any legislative action. With these words, I oppose the resolution. But before I ask the House to vote it down, I would again request my honourable friend to withdraw it.

Mr. LALIT CHANDRA DAS: Mr. President, we have listened with great interest to the speech which has just been made by the Leader of the House. I desire to make it known to the members of the House that we are in full sympathy with the resolution moved by the Raja Bahadur of Nashipur. All that he wanted was a committee to be appointed for the purpose of drafting a Bill for better management of shrines, temples and the funds connected with the religious endowments. Now, Sir, it is not a question of interference with the observance of religious rights or religion of anybody. Nothing of the sort. All that is wanted is that there should be a legislation for the proper management of the religious funds. Sir, the Leader of the House has said that there is no public demand for it. On our side, we feel that there is a great demand for a similar Bill. As for the suggestion about ascertaining public opinion on the matter, which was made by the Hon'ble Minister, I may say that there will be time for doing so when a Bill is actually drawn up for the purpose of meeting the points that have been raised in this resolution. Then, it will be time for the Hon'ble Minister to move that the Bill be circulated for eliciting public opinion. But it is, I think, too early to say that even now public opinion should be taken before the adoption of such a resolution. The resolution of the Raja Bahadur ought to be adopted and then a Bill drawn up and after that the Bill may be circulated for eliciting public opinion thereon.

Rai Bahadur MANMATHA NATH BOSE: Sir, I wish to make one remark in connection with the resolution which has been moved by the Leader of my group. It is not correct to say, as the Honourable Leader of the House has said, that this resolution has not the support of any member of the House. At any rate, it is not correct to say that the resolution has not the support of the party of which he is the Leader. As for other matters, as I understand that my Leader is going to withdraw his resolution, I do not think I need say much on them.

Mr. PRESIDENT: What was the difficulty of your framing a Bill and introducing the same instead of asking the Government to appoint a Committee for framing a Bill?

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I want to say a few words in reply to what has been said by the Leader of the House. I am sorry to hear him say that I have not had support from any of the Hindu members. Two Hindu members from two different groups have already supported me and I can inform the House that I have got the support from other members too. I had also a private talk with the members of other communities in this House and they

have told me that they would support me if the Bill were brought in. The very fact that none have opposed me is a clear indication that all have supported me or at least do not wish to go against me. So I cannot make out how he could gather that sort of impression. I have ascertained from some of the public associations and they also assured me that they would support the principle embodied in my resolution.

Now, with regard to the second point that public opinion should be elicited, I fully agree. But how could public opinion be taken unless the Bill be introduced? As I have already sent notice of a Bill on this subject, which I understand will be placed before this House on the next non-official day, there is no necessity for a committee being appointed to draft any Bill as suggested in my resolution. I, therefore, beg leave of the House to withdraw the resolution moved by me.

Mr. PRESIDENT: Is it the pleasure of the House to permit the Raja Bahadur to withdraw his resolution?

(There being no objection, the resolution of the Raja Bahadur was, by leave of the House, withdrawn.)

Mr. NUR AHMED: Sir, I beg to move that:—

This Council is of opinion that the Government of Bengal be requested to take early steps to encourage and help in all possible ways the handloom industry in Bengal and to make a strong representation to the Government of India to continue on a larger scale their grant-in-aid to the handloom weaving industry in Bengal at least for another period of ten years.

Sir, in moving this resolution I think I should not take much of the valuable time of this House. This resolution is so important from the economic point of view for the solution of unemployment that I think every member of the House will support the resolution.

Sir, Bengal which was once famous for handloom weaving industry and which during the days of the East India Company and during the Muslim period was in prosperity in respect of the handloom weaving industry has now fallen on evil days. From past records it appears that even one town of Bengal—I mean Dacca—with its population of 2 lakhs used to manufacture woven goods worth Rs. 1 crore and out of that one crore used to export goods worth Rs. 25 lakhs. But what do we find now! Now from the latest Report received by the Government of India it appears that in 1939 woven goods worth about 1½ lakhs was produced in Bengal whereas in the United Provinces goods worth about 5 lakhs were sold. There lies the difference. It appears that there is a need for expansion and improvement of this most important industry in Bengal.

Take the case of the rest of India. About 10 million people are now engaged in the handloom industry and in Bengal according to the latest census only about 5 to 6 lakhs people are engaged in handloom weaving industry and out of the total clothing required for India about 3,300 lakhs yards are produced by mills owned by Indians and about 9,500 lakhs of yards are produced by mills owned by foreigners in India and only 50,000 yards of cloth is produced by handloom weaving. It appears from this figure that there is a great need of improvement of this industry. I am fully conscious of the fact that since the inauguration of the provincial autonomy the Government of Bengal has taken some steps to encourage the cottage industry but in spite of that what do we find from the reports for 1939? We find that other provinces are far ahead of Bengal in this matter. In the Punjab 800 new designs have been introduced, in Madras 500, whereas in Bengal only 150 designs. Even as regards small scale factories financed by grants in aid from the India Government, it appears that Bengal has been benefited very little and the Punjab and Madras have made great progress. In one city of Madras there are 133 small factories. It appears from the records that there is no district in Bengal where this industry is in sufficient number. Even taking the case of Chittagong, it appears from press reports that there are 18,000 handlooms at work, 16,000 are at work in the Chittagong Hill Tracts. As I have stated before, the matter is very important and I need not take much time of this House.

With these words, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved that—

This Council is of opinion that the Government of Bengal be requested to take early steps to encourage and help in all possible ways the handloom industry in Bengal and to make a strong representation to the Government of India to continue on a larger scale their grant-in-aid to the handloom weaving industry in Bengal at least for another period of ten years.

Alhaj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, I wholeheartedly support the resolution moved by my friend Mr. Nur Ahmed. I believe that the solution of the economic problem of Bengal as of any other province depends upon the handloom weaving industry and I hope that the Government also will give their blessings upon the resolution. But I think practice is better than precept and unless persons highly placed in he public life of Bengal encourage handloom industry by putting on *khaddar* and handloom-made cloth, Bengal cannot revive its handloom weaving industry in spite of every aid the Government of India or any other Government. As we are all

aware, 90 per cent. of the Bengalees are agriculturists and they spend all their time—if not all, at least half—in the year doing nothing, and unless a large number of people among us resort to wearing *khaddar* and hand-woven cloths, they cannot take to hand-loom weaving industry with profit. Whatever may be said against the Congress Governments for their misrule—of course by interested parties—this much must be unanimously admitted that the Congress Ministers, in spite of the fact that they were rich and most successful Barristers or at least as rich as some Hon'ble Ministers in Bengal are, by the adoption of *khaddar* have brought about a great change in the social as well as in the economic outlook of their respective provinces. All distinction between the rich and the poor has disappeared there, as every one, high or low, was in *khaddar*. I may also say that the more a man wore coarser cloth, the more honourable he was regarded in those provinces. Sir, I have personal experience that people wearing *khaddar* had been attended to more carefully than others by the railway employees and Government officials were more considerate towards them because in that person in the garb of *khaddar*, they might eventually find a Minister. But, Sir, I think in Bengal the position is quite the reverse. This province, in spite of its vast area and overwhelming population, is the poorest in India because it is often visited by floods and famines which destroy its chief crops. Yet, our people do not wear *khaddar* or handloom-woven cloth and no encouragement is given to it by men of position. The chief agricultural products of the province are paddy and jute. Paddy is very low priced and has no export market and the production of jute is controlled by outsiders with the result that the price of jute comes down to such a level that the poor agriculturists cannot make anything out of it. Therefore, it is essential that we must persuade and encourage the agriculturists to resort to handloom weaving industry and this can only be done if the people and especially the Hon'ble Ministers take the lead in this matter.

Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Sir, I beg to support the resolution moved by my friend Mr. Nur Ahmed, and in doing so, I must say that I would have been more glad if he had made any suggestions as to how the Government could help the handloom industry of this province. We have to find out why this handloom weaving industry is not progressing as it ought to. What is the reason of its not flourishing properly? It is really the handloom industry which can solve the problem of supplementing the income of the agriculturists of Bengal. We know that the agriculturists of Bengal sit idle at home for nearly 6 months in the year and yet they will not take to the handloom or cottage industries. There are various reasons for this: One is the cost of the yarn. The handloom industry cannot flourish because the mills which have got to purchase yarns at

wholesale rates get them much cheaper but the people who follow the handloom industry have to purchase yarns in small quantities. They therefore do not get the benefit of the wholesale rates and cannot compete with the cloths manufactured by the mills. Government, I think, should in this connection remember that something ought to be done so that the people who take to the handloom industry may get yarns at a wholesale rate. This is one of my suggestions. The other suggestion is that protection against mills is also necessary, because it it found that mills have now-a-days been weaving coarser cloth which used to be woven only by the handloom weavers. This coarser cloth is of 30 and less counts. I think the use of 30 counts and less should be restricted only to the handloom weavers and the mills should be allowed to weave cloth of more counts than 30. If that is done, there will be some relief to the poor people who take to the handloom industry. What I want is that the agriculturists ought to have some means of supplementing their income. If this facility is secured, hundreds of agriculturists will be availing of their agricultural operations in the season and along with that they will be engaged in the handloom industry and weave cloths in their spare time. Then again, if there be not sufficient facilities for selling their finished articles, the industry will be of very little profit to them. Government should take steps and start stores in suitable places for the sale of such articles it being arranged that these agriculturist-weavers may get at least a portion of their price as soon as they deliver their cloth. My honourable friend, Khan Bahadur Muhammad Jan, has mentioned about the *khaddar*. *Khaddar* is a costly thing and it can be patronised by the richer people only. For the poorer people whose income is meagre and who do not have two full meals a day—and there are many many agriculturists and labourers who do not get two meals a day,—*khaddar* is expensive; they cannot afford to have *khaddar* which is substantially more expensive than the cloth woven by the mill yarn. So *khaddar* alone will not solve the problem. Of course, the richer among us should all patronise *khaddar*. But the mill yarns can be and should be used by our weavers in what is known as semi-automatic Chittaranjan Weaving Machine which gives a good out-turn. It gives an out-turn of annas 14 to one who weaves with that particular class of machine. Sir, I wholeheartedly support the motion of my friend Mr. Nur Ahmed and I hope the remark and suggestions made will be noted by the Hon'ble Minister and he will take necessary action in that direction.

Mr. LALIT CHANDRA DAS: Sir, we, on this side of the House, desire to extend our support to the resolution which has been so ably moved by my friend Mr. Nur Ahmed. Some good and endearing words have been said by my friend Khan Bahadur Muhammad Jan in support of those who wear *khaddar*. But it seems that my friend Khan Bahadur

Muazzamuddin Hosain is not at all impressed by what he said. He seems to think that *khaddar* is costly. Wearing of *khaddar* is not costly. What I do desire to say is this: if the handloom industry is made into cottage industry in Bengal, even the poor tenantry will be benefited. He will weave his own wearing cloth and so there will be no question of purchasing *khaddar*. On the other hand, after weaving their own cloth if something is left in excess, then the cultivator will be able to sell it to the richer people who will be in a position to pay them well. In this way, there will be some relief to the poor people. Then, Sir, this will give work to millions of people of Bengal who remain without work for at least six months in the year.

Sir, I have read in this morning's paper (I do not remember whether it is this morning's or yesterday's) that a survey has been made by the Government of Bengal with respect to handloom industry: that a committee has been appointed by the Government of Bengal for this purpose. I think the Hon'ble Minister in charge of Industries will be able to enlighten us on this point—what that survey is really for: whether it is really with a view to extend the handloom industry to the villages and so on. If that is so, that will be a move in the right direction. With these words, Sir, I support the motion which has been moved by my friend Mr. Nur Ahmed.

Mr. DHIRENDRA LAL BARUA: Sir, the resolution just moved before the House by my honourable friend Mr. Nur Ahmed has within its purview nothing but a further development of the handloom industry in Bengal with proper State-aid and encouragement both from the local Government and the Government of India. As such it consists of two parts. In the first part it proposes to request the Government of Bengal to adopt early measures, to give necessary impetus and all-round help to the industry in question; and in the second to make a strong representation to the Government of India to continue and increase their grant-in-aid to this industry for a further period of ten years. In my opinion it is a very legitimate and urgent demand which is modest at the same time. Am I to understand from the wording of the resolution that the local Government have so far taken no steps to encourage and help this handloom weaving in Bengal? Once we admit, as we should, that cloth or clothing is one of the primary needs of men and women, rich and poor alike, is it not the bounden duty of our popular Ministry to see that this branch of industry receives due encouragement and all financial support and other facilities without any further delay? It is no argument to say that as the number of cotton mills has increased or is likely to increase, the need of handloom weaving will proportionately decrease. So far as my information goes the present number of cotton mills founded in Bengal is hardly sufficient to cope with the need of the province. Had it been sufficient,

why is it that large quantities of machine-made cloth are being indented every year in Bengal from Bombay, Madras and Karachi, leaving aside for the present the question of foreign imports? The products of handloom industry, organized on a co-operative basis at Bagerhat and a few other places in Bengal, may be cited as examples of the kind of work which may be usefully done to meet the pressing market demand, no less, as proofs of high quality, cheapness, and durability of hand-made cloth. I also understand that in this resolution the term "weaving" has been used not in its narrow but wider sense to include ginning, dyeing, designing and all other handicrafts. It was only by an irony of fate that the Guilds of our tradesmen in whose hands weaving as an industry was a monopoly, were socially banned. Those who know the past history of the country will heartily support me when I say that every housewife was taught and trained up to spin the yarns and to weave cloths with their own hands. We have not to fear any harmful competition between the power and handloom in Bengal because the combined strength of both so far as their weekly and monthly products go, is deplorably insufficient to meet the demand.

So, without any further comment on the resolution and the purpose envisaged by it, I strongly commend it to the unanimous acceptance by all in the House.

Mr. HUMAYUN KABIR: Mr. President, Sir, it is one of the occasions when there is unanimity from all sections of the House and I am not surprised that this should be so. In spite of minor differences on one or two points between my friend Mr. Das and Khan Bahadur Saiyed Muazzamuddin Hosain, there is really general agreement between them. I certainly agree with the Khan Bahadur that rich people like him and the Hon'ble Ministers should patronise *khaddar*, even if those who are financially prevented from doing so cannot do so at the moment. The only one point to which I want to draw the attention of the House in addition to what has been said is that, as far as I am aware, 800 million yards of cotton cloth are consumed in Bengal every year and the population is roughly 50 millions, which gives us near about 16 yards of cotton cloth per head per year. 16 yards of cotton cloth per head per year is the consumption and since again, people who are well-to-do certainly have more than 16 yards allotted to them, a very large number of people of Bengal have to content themselves with less than 16 yards per head. 16 yards means nearly 2 pairs of *dhutis* as *dhutis* are understood in this province. As the richer people do certainly have more than what their actual requirements are, the poorer people in many cases have to do with much less than 16 yards. Therefore, there is room for very much greater expansion so far as the handloom weaving industry is concerned.

Again, there is another point to which I want to draw the attention of the House. This is that the combined strength of the handloom industry and the mills of Bengal is five hundred million yards per year. This figure is given in the report of the Committee which was appointed some time ago to enquire into the question of cotton cloth consumed in this province every year. Five hundred million yards of cotton cloth is produced by the mills and the handloom industry of the province. So, there is room for expansion both in production and demand. People cannot properly do just with one pair of cotton cloth in a year, though they are actually doing so in various parts of this province to-day. We have certainly room for further expansion of the handloom industry. I agree with most of the suggestions made by Khan Bahadur Saiyed Muazzamuddin Hosain, though I feel that there is some difficulty with one of his suggestion. He wants that no mills should produce cloth below a certain count. But, how can he prohibit that? Supposing Government make such restriction in regard to mills situated within the province of Bengal, certainly there will be prospect of sending in such coarse cloth from outside Bengal and thus swamping the local market.

Another point to which I want to draw the attention of the House is this: one purpose of *khaddar* is that it gives a living wage to the spinner and the weaver. If the prices were based on the actual out-put, it would have been cheaper. Due to economic causes, prices in the markets would have been forced down to some extent and this would lead to a further depression in the standard of living. It is otherwise it Government be the purchaser. Government can frame definite rules as regards marketing, and they, as Government, can buy cloth for uniforms and liveries produced by the handloom industry of the province and thus give a filip to that industry. I believe that the Minister of Agriculture is also in charge of the Department of Industry. From his personal experience, he will bear out the way in which the handloom industry of Bengal has contributed to the improvement of economic condition of the peasantry and how it has helped to solve the economic problem of the country.

With these words, Sir, I wholeheartedly support the resolution.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, I am of one mind with the honourable mover of this resolution and the various supporters so far as the object of this resolution is concerned. It has been truly said that the handloom industry is the most important and most extensive cottage industry not only in Bengal but in the whole of India and its importance to the economic life of the province can hardly be over-estimated.

One of the speakers has referred to the fact that our cultivators are forced to remain idle for a considerable part of the year and they have

hardly any subsidiary occupation to follow during those months of forced idleness. To my mind, Sir, weaving will be a very good subsidiary occupation for these cultivators during their months of forced idleness and also during other months. Some members of the cultivators' family can very well take to weaving and spend their time more usefully than if all of them should cultivate a few plots of lands. Therefore, so far as the importance of this question is concerned, there cannot be any two opinions, but the manner in which the resolution has been tabled can probably give rise to a suspicion or impression that the Government of Bengal are sleeping over the matter and they have been doing practically nothing to encourage the handloom industry in Bengal. Therefore, Sir, it will be appropriate if I give the House an account of the steps that the Government of Bengal have hitherto taken to encourage the handloom industry.

The efforts of the Government towards the improvement of the handloom weaving industry date back to 1901-02 when a Committee was appointed to consider the question of starting a scheme for the development of industrial education in Bengal. The Committee recommended that a school should be established at Serampore to teach the use of improved appliances and more efficient processes of weaving, and the recommendation of the Committee was accepted by the Secretary of State for India in the year 1907. The services rendered by the Serampore Weaving Institute were found very useful and its endeavours were supplemented by a few district weaving schools. But it was thought necessary that more comprehensive efforts ought to be made to introduce with still greater expedition the fly-shuttles which doubled the mechanical efficiency of the handloom. Neither the Serampore Industrial School nor the district weaving schools could reach the weavers working in the districts and if they were to be assisted, such a scheme should be introduced as might enable them to be taught as near their homes as possible. Accordingly, in 1918, the system of peripatetic weaving education was introduced, the first centre of work having been Asansol where the Revd. Byres of the Middle English Mission helped to make it a success. The new system went a long way in replacing the primitive throw-shuttles and other appliances and introducing improved preparatory processes. But the weavers were too poor to be able to buy accessories on completion of their training and they also required financial assistance during the period of training when they had to be away from their homes. Such assistance is now provided in the shape of loans to ex-students of the weaving schools for which a provision of three to four thousand rupees is made annually and also loans under the State-Aid to Industries Act for which a provision of Rs. 50,000 is made in the loans budget every year besides the Bengal State Aid to Industries Fund administered by the Board of Industries which approximated to half a lakh of rupees.

The Agricultural and Industrial Commission held in Calcutta in 1922 recommended an increase in the number of peripatetic weaving schools and 12 more new schools were established. In 1937, the question of re-organising the peripatetic weaving schools with a view to make them still more useful came to be considered. All the peripatetic weaving schools have recently been re-organised so as to extend their scope by inclusion of printing and dyeing. The total number of schools to-day is 29. The average annual expenditure on account of the peripatetic weaving schools is in the neighbourhood of Rs. 90,000. To add to the activity of the peripatetic schools there are five textile demonstration parties which travel in the interior of the districts and hold demonstrations for the benefit of the handloom weavers. The usefulness of these demonstration parties may be measured from the large demand on their services throughout the year. The average annual expenditure on account of these parties is Rs. 21,278. To add to the activity of the peripatetic schools there are five textile demonstration parties which travel in the interiors of the districts and hold demonstrations for the benefit of the handloom weavers. The usefulness of these demonstration parties may be measured from the large demand on their services throughout the year. The average annual expenditure on account of these parties is Rs 21,278.

The District Weaving Schools are nine in number and a scheme for their reorganisation is under consideration. In fact a beginning has already been made with the school at Dacca. Obviously the training given in the district schools is of a higher standard than that obtainable in the peripatetic schools or demonstration parties. The average annual expenditure for the district weaving schools is nearly Rs. 34,000 of which no less than Rs. 8,000 are awarded as stipends to the deserving students.

The apex organisation, namely, the Serampore Institute, has also been continually expanding and in its present development it can be regarded as a full-fledged institution for textile technology. During the last four years from 1937-38 the average annual expenditure has been Rs. 96,400 of which Rs. 5,689 has been awarded as stipends and scholarships.

While cotton weaving is important equally important is silk weaving and due measure of attention has always been paid to this branch of handloom weaving. The Silk Institute at Berhampore was started with a view to teaching better and more productive methods of weaving. In 1939-40 the scheme for converting the school into a technological institute was considered, involving a capital expenditure of Rs. 45,500. The average annual expenditure on account of the institute for three years since 1937-38 was Rs. 22,000 but as a result of reorganisation the

expenditure went up to Rs. 42,150 in 1940-41. Rs. 3,676 a year on average is awarded as stipends to the deserving students.

The total expenditure on account of all the institutions and endeavours referred to above has been nearly Rs. 3 lakhs a year during the last two years.

Apart from the institutions, weaving education is also encouraged through the media of the private enterprises by extending grants-in-aid. During the last three years the average annual expenditure on account of such aid was Rs. 17,500.

As a direct result of these endeavours it has been possible to train no less than 12,000 persons and introduce nearly 115,000 improved sleys and appliances. And the progressive rate of replacement of the throw-shuttles by fly-shuttles and of primitive processes by improved ones may well be considered as a standard of the success of the efforts of the Government in this direction. In 1921 the total number of fly-shuttles in Bengal was 53,041 while in 1940 the number increased to 93,909. The number of throw-shuttles during the period decreased from 97,594 to 42,302. The output of the weavers and their mechanical efficiency must have increased in the proportion in which the replacement of throw-shuttles by fly-shuttles took place.

Sir, that is a short account of the steps that Government have hitherto taken to encourage the weaving industry. Then, Sir, it may be noted that this resolution can be divided into two parts. First of all it requests that the Government of Bengal should take all possible steps to encourage the handloom industry, and, secondly, it seeks to recommend that a strong representation should be sent to the Government of India to continue on a larger scale the grant-in-aid to the handloom industry in Bengal at least for a period of 10 years. So far as the second part is concerned, the money received from the Government of India by this Government is mostly spent through the Co-operative Department and only a small fraction of that money is spent through the Industries Department. Therefore, so far as the second part of the resolution is concerned, if you will permit, Sir, my honourable colleague Mr. Mullick will give a detailed reply. I would add only that we have no objection whatsoever to making a strong recommendation in the light of what I shall just now say. I think the whole policy is being revised by the Government of India and we cannot say for certain now what that policy actually will be. But, after all, that policy will be an all-India one. Bengal will not be treated separately from other Provinces. All the Provinces will have to sail together. If other provinces continue to receive this grant, Bengal will also certainly continue to receive the grant. However, as I have said, my colleague the Hon'ble Mr. Mullick will deal with that part of the resolution.

Now I would like to say a few words about what Khan Bahadur Saiyed Muazzamuddin Hosain said. He has given several constructive suggestions as to how encouragement can be given to the handloom weaving industry. One of these suggestions turns round the competition that exists between the mills and the handloom weaving industry. Sir, here I am in full agreement with him. If really the handloom industry has to be encouraged and the income of the weavers has to be increased I think, Sir, efforts should be made to minimise the evil effects of unfair competition between the mills and the handloom industry. But the question is difficult and at this stage we cannot say for certain actually what steps should be taken in this direction. Sir, I may draw the attention of the House to the steps the Government of India have been taking in this respect. Probably it is known to honourable members of this House that the Government of India have appointed a Fact Finding Committee so far as the handloom industry is concerned. The Fact Finding Committee has been established in accordance with a resolution passed at the last session of the All-India Industries Conference held at Lucknow. Sir, I may tell the House that the Fact Finding Committee is now in Bengal and they are collecting facts here. They had already been to several other provinces and after finishing their work in Bengal, they will visit all the remaining provinces and States of India. Now, Sir, the terms of reference of that committee will throw a flood of light on the suggestions that have been made on the floor of this House as to how the handloom industry can be encouraged. These are the terms of reference—

"(1) To make a survey with the assistance of Provincial and State Governments, of the extent of the handloom industry in each Province and State, and of the kinds of handloom products produced and the number of persons engaged in the industry;

(2) To make a report on the marketing organisations both for the purchase of yarn by the handloom weavers and for the sale of the handloom products".

This is very important because everyone knows that the poor handloom weavers work under very adverse circumstances. They are most often indebted to unscrupulous money-lenders who supply the yarn to the cultivators on loan at a far higher price than what prevails in the open market. Simply because the cultivator is too poor and he has no money to purchase yarn on cash, he has to take from these middlemen at an exorbitant rate. The margin of his profit is reduced, first of all, by the supply of yarn at a higher cost than the market price. Secondly, Sir, in disposing of their produce, many of these handloom weavers are again in the hands of the same middlemen. They purchase these products at a lower rate and then make a profit by selling these products in the open market or wherever there is a great demand for them. This second item in the terms of reference will thrash out the entire

position and I think it will be very helpful in showing the direction in which help should be given to the handloom weavers so far as marketing and the supply of yarn is concerned.

The third term is this: to compare the nature of the products of the handloom industry in each area surveyed with the corresponding mill products and to find the nature of the competition between the two. This enquiry is very necessary before a decision could be taken as to how the competition between the mills and the handloom industry could be minimised. The fourth item is to investigate the kinds of yarn used in the handloom industry and types of production for which different kinds of yarn are used and the last item is "in particular, to investigate how far an enactment prohibiting the mills from using yarns of low counts would help the handloom industry in maintaining its production." This is also one of the suggestions made by my friend Khan Bahadur Saiyed Muazzamuddin Hosain. I would therefore submit, Sir, that the Government of the country, not only the Bengal Government but also the Central Government, are taking all possible steps and I particularly think that the information collected by the Facts-Finding Committee will be very useful for the Central Government to decide on what line they should take action.

Sir, I have already said something about the difficulties of marketing. I may further say that the Government of Bengal has prepared a scheme for marketing and if that scheme is accepted by the legislature, I think a very good beginning will be made. A number of depots will be established in several important centres and through these depots attempts will be made to supply yarns to the weavers at a cheaper rate and also to dispose of the products of these weavers under conditions far more conducive to their welfare than the conditions under which they have to market their products at present.

Sir, I do not oppose the resolution. I have already said that we shall be only too glad to make a representation to the Government of India and also I may assure the House that any useful suggestion that may be made by any honourable member of the legislature will be carefully examined by this Government and within the limits of the finance available, every effort will be made to give effect to such suggestions.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, my esteemed colleague the Hon'ble Minister in charge of the Industries Department has already told the House about the steps that have been taken by this Government to improve the handloom industry. Sir, so far as the Department of Co-operation is concerned, it is also trying for sime time now as to how it can develop and improve on the co-operative line not only to find occupation for large bodies of our people but also to see that they improve their economic conditions as well.

Sir, my honourable friend Mr. Barua, and also my friend Khan Bahadur Saiyed Muazzamuddin Hosain have suggested as to how this could be done and how the difficulty standing in the way could be removed. My friend Mr. Barua has indicated to the House the action taken on co-operative lines at some of the centres in this direction. It will therefore be interesting if I were allowed to place before the House the scheme that has been outlined in this direction by the department and in furtherance of that scheme, steps which have been taken so far and the achievements reached.

Sir, at the outset, before I explain those three different kinds of steps before the House, I ought to assure my honourable friends that I am at one with the suggestion made in the resolution.

Sir, I am extremely grateful to the mover of the resolution in that he has given so much time and thought to the subject which is not only interesting but is of a very important nature at the present moment. It has been mentioned by my honourable friend Khan Bahadur Shaikh Muhammad Jan that this country is pre-eminently an agricultural one and its chief products are paddy and jute. We have had occasion in the past to note that these chief agricultural products depend very much upon natural conditions and that their production varies and that under certain circumstances their price also varies. Until and unless we are able to do something by which the distress with which they are visited at times can be removed, it can very well be said that we have failed to do all that we should have done. Sir, I am equally grateful to my friends who have given us some very useful suggestions in this direction.

I would not say anything about *khaddar*, of which my friend the Khan Bahadur may be a bit fond, but I should not be justified in asking any of my friends to use *khaddar* until and unless he has been able to weave it himself. There is a good deal that can be said about the sanctity attached to one's own weaving of *khaddar* for his own personal use.

However, that should not worry us at the present moment and I would only place before the House now a scheme that has been envisaged and the programme that has been drawn up in this respect. In the first place it has been thought that the weaver-members of co-operative societies should be trained in improved designs, textures and finish. Secondly, they should be trained to use dyed yarns. Thirdly, we should introduce improved looms for the use of the trained weavers; fourthly, these yarns should be supplied at a cheap rate; fifthly, fresh capital shall be supplied to the industrial unions so far as possible to finance new activities and to market the finished products of weaver-members through the Provincial Industrial Union assisted by marketing officers and canvassers. Now, Sir, this is the scheme with

which we have started the work for sometime now and as my honourable colleague has pointed out, so far as the Government of India grant is concerned it is mostly spent through the Co-operative Department of the Government of Bengal in furtherance of the scheme which has been approved by the Government of India; my colleague has also indicated to the House that this is a question which concerns not only Bengal but also all the different provinces and perhaps the Native States in the whole of India.

The House is well-aware that so far as this question is concerned, there is an annual conference held at different places presided over generally by the Hon'ble Member of the Viceroy's Executive Council in charge of the Commerce Department. My honourable friend informed the House a moment ago that he attended the last conference at Lucknow and he also mentioned about the discussion and resolution adopted there in connection with this subject. I had also the honour of attending, along with my honourable colleague the Nawab Bahadur of Dacca, then Minister in charge of the Agriculture and Industries Department, a conference at Bombay. That conference was opened by His Excellency the Viceroy and presided over by the Hon'ble Sir Muhammad Zaffarullah Khan, who was then Member in charge of the Commerce Department of the Government of India. There all the members from the different provinces pressed very hard for increasing the grant made by the Government of India to the provincial Governments, and to continue the same for a greater number of years. I remember, Sir, one of my colleagues—the Hon'ble Mr. Patil—who was then in charge of the Department in Bombay, mentioned in that conference that to make a grant on experimental basis only for a few years was practically nothing and that the Government of India would be well-advised to increase the grant and extend the period of the grant, in order to make the experiment a success, so that it would be found definitely whether the experiment had succeeded or failed. Without proper trial it cannot be said that it has failed to achieve its object. In that conference another member, following Mr. Patil, I think from the Punjab—the Hon'ble Sir Chatturam—emphasised this question and the honourable President of the conference had to admit in the end that he would take steps in the matter.

Sir, I can assure the House at this stage that if I am allowed to communicate to the House as to the way in which it has been presented to the Government of India, it will certainly show that we are not lagging behind in pushing on this very important subject in that direction as we have thought fit.

It may be interesting in the next place for the House to know the amount of money that the Government of India have granted under this head since 1934-35. The total comes to Rs. 6,01,515 of which Rs. 4,71,869 have been made available for payment to the Weavers'

Union through the Co-operative Department of the Government of Bengal and Rs. 1,29,646 has been spent through the Industries Department. In spending this amount——

Mr. LALIT CHANDRA DAS: Are those grants made in 10 years or in one year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: During these four years.

I have taken a very great care to see that the scheme that has been outlined has been properly followed.

It has been said by the honourable mover of the Resolution that while Punjab has 800 new designs, and Madras 500 new designs, Bengal has up till now only 50 new designs. I submit with all respect to my friend that he has not got the correct figures. I would place therefore before this House the achievements by this Department so far as this very important subject is concerned.

Sir, I think it would be better if I were to place before the House the value of the materials that we have supplied to the weavers through the Unions and the designs that have been introduced

Now, Sir, in the year 1935-36 the materials that were supplied to these weavers through the Unions were to the value of Rs. 63,691. In the next year, 1936-37 they were to the value of Rs. 63,781. In the year following, *i.e.*, in 1937-38 they were to the value of Rs. 44,325. In 1938-39 they were valued at Rs. 43,613 and in 1939-40 they were to the value of Rs. 81,949. The total comes to Rs. 2,96,359. Now the goods that have been produced out of this and the value received come up to Rs. 6,82,602. The number of designs introduced by the designers in the different years is 570. In the first year it was 40; in the next year 1936-37 -120; in the following year 1937-38 -150; in 1938-39--150; and in 1939-40 -110. Therefore we have got new designs to the tune of 570 up till now

Now, Sir, my honourable friend Khan Bahadur Saiyed Muazzam-uddin Hosain has indicated that one of the obstacles in the way is that the cost of yarn is too high for these weavers and compared with what is done by the mills it becomes still higher for them. We have also taken steps to see that we are able to supply yarn at the cheapest possible rate. At present yarn is purchased at wholesale rates by the Provincial Society and the Industrial Unions from Calcutta dealers and distributed to the primary weavers at cost price *plus* the actual transport charges. Therefore, Sir, we are not unconscious of this very difficult position of these weavers and we have taken steps in that direction. I also say at this stage that I do not consider that all that we have done is enough. Much more certainly has yet to be done.

All that I submit to this House is this that we are not unmindful of this very important question and within the limited resources, we have taken steps in the direction which I submit will be considered by the House to be proper so far as our resources go.

Now, Sir, the marketing difficulty is no doubt one of very great importance but so far as the products of these weavers attached to the different unions are concerned we have taken some steps in this direction to see that they are able to some extent to meet these difficulties. The methods that we have adopted for better marketing are (1) improvement of the quality of fabric by training and adoption of improved appliances, (2) production according to specification and new designs popular amongst consumers of all tastes, (3) securing of orders from big consumers, and (4) distribution of raw materials at a cheaper rate. We have got a Special Officer in charge of this marketing business who has got his training abroad and is in charge of this particularly difficult work under this department.

Sir, as regards the question of the competition between the mills and the handloom weaving industry, my esteemed colleague has submitted to the House the steps that Government have taken to meet the difficulties in the way. Sir, I do not propose to waste the time of the House by discussing that question.

Now, Sir, my honourable friend Mr. Barua has indicated to the House the successful achievement at the different industrial centres in this line. He has specifically mentoined Bagerhat as one of the industrial unions where these cotton products have been produced on a very large scale and the finishing is said to be very good. We have got a new union started at the instance of one of the very great enthusiasts at a place callled Nalta where the weavers produce a large quantity of cloth for the purpose of its being used as bandage in the different hospitals in Calcutta. They have also found very good market so far as that is concerned. Well, Sir, as I have said I should not detain the House for this question any more. I am indeed very grateful to several honourable members who have taken part in this debate and to find that they have thought over this and have also given very useful suggestions, but I hope it would have been better if it were left to Government at any rate to do this that as far as possible Government would take all the different steps which would simplify matters.

As regards the second part of the resolution, I am at one with the honourable mover and if necessary the proceedings may be sent to the Government of India and also to the different organisations that hold annual conferences. So far as the present grant is concerned, this may be extended up to next year, *i.e.*, March, 1942; but as my honourable colleague has pointed out that this is an all-India question and this province will have to share equally with the rest. If it is

possible certainly it will be our duty to submit to the Government of India that this is the desire of the representatives of the people and this is the way in which this could be done more effectively.

With these few words, Sir, I once more submit that I am extremely glad to be able to support the resolution.

Mr. PRESIDENT: The question before the House is that—

This Council is of opinion that the Government of Bengal be requested to take early steps to encourage and help in all possible ways the handloom industry in Bengal and to make a strong representation to the Government of India to continue on a larger scale their grant-in-aid to the handloom weaving industry in Bengal at least for another period of ten years.

(The motion was agreed to.)

Mr. RANAJIT PAL CHAUDHURI: Mr. President, Sir, the resolution that stands in my name and which I beg to move is as follows:

This Council is of opinion that measures be adopted by the Government of Bengal to supplement the resources of the Nabadwip Municipality in order to enable it to cope with the periodical growing rush of pilgrims during fairs and festivals in matters of health, sanitation, conservancy, water-supply and first-aid.

Sir, living on the other side of the river with a full view of the fore-shore of the holy Nabadwip and having occasionally observed the heavy crowds that pass by my doors from this side of the river, I cannot but revive this resolution. Sir, a resolution almost akin to this was brought by me before this House exactly two years ago when it was agreed to by the whole House without any division. My honourable friend Khan Sahib Abdul Hamid Chowdhury supporting it very ably gave convincing reasons but though fairs and festivals have gone on since apace as usual with thronging crowds of men yet nothing seems to have been done by the local Government to help the municipality to cope with the growing pilgrims and so the situation is daily becoming more and more embarrassing to the Nabadwip municipality by reason of its limited resources.

Sir, in this connection I would like to refer to the reply given by the present Finance Minister on a similar subect which I brought two years ago. He said this (page 111, Bengal Legislative Council Proceedings, Volume I, 1939): "However, now that the matter has been brought to the notice of the Government, the Public Health Department will examine the question, and it is clear that the

Government cannot keep silent over the matter for it finds that the sanitary requirements of the town cannot be met by the resources of the municipality alone." Sir, the Hon'ble the Finance Minister further goes on, "we shall certainly look into the matter and see whether we cannot be of any assistance to the municipality, but so far as the imposition of a cess is concerned I am afraid the Government realises the absolute impossibility of such an imposition..." This is the way in which he went on at that time, and he gave us to understand that he would examine the matter. I can speak from my personal experience as I have had occasion to witness the huge concourse of people that gather at the place at fairs and festivals and suffer a good deal from the absence of adequate sanitary, conservancy and first-aid measures, which are beyond the present powers of this small municipality to arrange for. It is, therefore, incumbent on us, the representatives of the people in this House, to rouse Government to a sense of their responsibility in the matter so that they may come to the rescue of this municipality and allot some grant to it in order to enable to discharge its functions properly and adequately. I need hardly remind the House that increasing railway facilities on both the systems as regards the town of Nabadwip has turned it to be a still more important place than it used to be before. Each and every Hindu festival is now being availed of to visit this place of pilgrimage. It is a matter of common knowledge that the railways have been considerably benefited by the constant rush of pilgrims to Navadwip from both its sides. The difficulty of this Municipality would have been solved if the Provincial Government were to prevail upon the Central Government to impose a sort of pilgrim or terminal tax on the railway tickets to Navadwip from a distance of over 30 miles, but that is a proposal which did not find acceptance with this Government. I may mention here that Navadwip is not a less important place of pilgrimage than most of the places for which a terminal tax on tickets is being imposed by the railways. What I have to impress upon this House is that unless sufficient funds are placed before the Navadwip Municipality the health and sanitation of the town is bound to get worse. If the rush of pilgrims cannot be coped with, there will be no escape from the epidemics in this town during these rush periods and the permanent residents not only of that particular area but also of the neighbouring places would be affected in regard to their health and sanitation by reason of the helpless position of the municipality. This municipality is in a most unfortunate position in this respect. It can be singled out in the whole of this province as the most important town of Hindu pilgrimage in the mofussil and it cannot therefore be compared with any other municipality in Bengal. I therefore hope that the Government would look at this proposal with a sympathetic eye and make some grant so as to enable the municipality to get on with its work in the normal way. With these few words I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved that this Council is of opinion that measures be adopted by the Government of Bengal to supplement the resources of the Nabadwip Municipality in order to enable it to cope with the periodical growing rush of pilgrims during fairs and festivals in matters of health, sanitation, conservancy, water-supply and first-aid.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I rise to support the resolution which has been so ably moved by my friend Mr. Ranajit Pal Chaudhury. He has not made any extraordinary demand of the Government. Nabadwip is a very important centre of Hindu pilgrimage and all that has been asked in this resolution is that at some particular periods of the year during fairs and festivals when the Hindu pilgrims congregate in their thousands in that small town of Nabadwip Government should see that a contribution is made to the municipal fund there for the purpose of making arrangements for the protection of the health and sanitation of the people there.

Sir, if instances are needed, I can cite at least two in this connection, namely, when pilgrims rush from different parts of India for taking their bath at the confluence of Ganga and Jamuna at Allahabad, arrangements are made by the Government there for proper sanitation, conservancy, water-supply and also for first-aid, and at Hardwar also such things are attended to during particular periods of the year when there are melas and festivals. In Bihar also, during festivals and fairs such arrangements are made by the authorities. So I do not see why arrangements should not be made by Government here in Bengal also, for sanitation, water-supply, first-aid, etc., at particular periods of the year when there are fairs and festivals in Nabadwip, inasmuch as Nabadwip is a very important centre of Hindu pilgrimage. With these few words, I support the motion of my friend, Mr. Ranajit Pal Chaudhury.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I wholeheartedly support the motion so ably moved by my friend Mr. Ranajit Pal Chaudhury. His is a very modest demand: he asks in his resolution that some arrangement should be made for the sanitation and water-supply at Nabadwip during certain periods of the year when there are fairs and festivals such as car festivals, etc. My friend who spoke before me cited instances of such arrangements being made by the authorities concerned in the other provinces. But I may add that not only the provincial Governments but the Central Government also make such arrangements at Hardwar during the melas, for safeguarding the health of the pilgrims who congregate there. In Bihar also such arrangements are made. I know, at Gaya the provincial Government makes grants to the municipality to make such arrangements during festivals and fairs. Although I know from

my experience that some arrangements are made by the Public Health Department here and the officers of the Public Health Department take some interest in the matter at some places where there are melas and fairs, I do not know how far they have made arrangements in Nabadwip. I think Government should see that proper arrangements are made and that the Public Health Department should be careful in safegurding the health of the people at the time when there are festivals and fairs and to move the Central Government to have funds required for this purpose.

Dr. KUMUD SANKAR RAY: Sir, in rising to support the motion which has been moved by my friend Mr. Ranajit Pal Chaudhury, I beg to point out one aspect of the matter which would concern not only the people who are in Nabadwip but also those who do not belong to Nabadwip. It is a well-known saying that nobody is safe unless everybody is safe. Whether the Nabadwip Municipality is in a position to cope adequately with the measures that are necessary to safeguard the health of the ratepayers of the Nabadwip Municipality I do not know, but as has been stated, the resources of the municipality are not large enough to protect the citizens of Nabadwip in case there is epidemic arising out of the congregation of so many people during the occasions of festivals and fairs. This epidemic could not only be limited to Nabadwip but would spread throughout the neighbouring areas and ultimately throughout Bengal. Therefore, Sir, it is quite fit and proper that the Public Health Department should take adequate steps to see that wherever there are festivals, religious festivals or other occasions in which a large number of people congregate for a while, the epidemic diseases which may break out are prevented from spreading to other places. Probably in some of the other places like Gaya, it has been stated by some of my friends that the Provincial Governments in those areas as well as in some cases the Central Government do step in to supplement the measures which are adopted by the local authorities in those areas. I submit, Sir, that this is a very humble resolution and I have not the slightest doubt that the Government will be very glad to accept the resolution and do all they can to save the whole province from any epidemics that may occur in times of festivals in the Nabadwip area.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The honourable member's anxiety for improving the sanitation of the town of Nabadwip which is a noted place of pilgrimage is ancient history but is greatly appreciated. Mr. Pal Chaudhury has repeated a resolution for levy of a surcharge by way of a pilgrim tax on tickets sold by different railways to passengers intending to travel to Nabadwip from outside a range of 30 miles during certain festivals. This matter

was considered several times by this Government. While this resolution had the sympathy of the Provincial Government, it was pointed out that there were practical difficulties and after the passing of the Government of India Act, 1935, this was a federal subject. My predecessor explained the whole position at length before the House and I need not repeat the various points. The resolution of 1939 was, however, carried on the 9th February, 1939, and the Government of India were addressed by this Government with their observations in this subject. The House was subsequently informed in a statement made by my predecessor on the 20th December, 1939, that the Government of India did not propose to take any action in the matter. The resolution of Mr. Pal Chaudhury is that Government should consider that measures should be adopted by the Government of Bengal to supplement the resources of the Nabadwip Municipality in order to enable that body to cope with the periodical growing rush of pilgrims during fairs and festivals in matters of health, sanitation, conservancy, water-supply and first-aid. He evidently means that Government should make some contribution. The sanitation of a municipal town is the responsibility of the municipal body, and it is up to them to levy rates and taxes at the maximum rates in order to make satisfactory arrangements for conserving the health of the town during fairs and festivals.

May I also point out that the Puri Lodging House Act is in force in Nabadwip and under that Act the present rates that are charged are annas 12, annas 10 and annas 8 according to the class of houses. The maximum chargeable rate is Re. 1, and if the maximum is charged, there might be some additional increase in the resources to be utilised towards improving the sanitation of this town. It ought to be realised, however, that the present time is hardly opportune for raising the rates.

Government are of the opinion that the existing resources of the municipality should be properly husbanded, and it may be mentioned in this connexion that this place of pilgrimage has certainly led to augmentation in the assessed rates of the municipality. The Commissioners should be able to make fairly satisfactory arrangements for coping with the problem of onrush of pilgrims.

I am sure that the honourable member will realise that it is hardly possible for Government to make any direct contribution towards any particular municipality for improving its sanitation. In the above circumstances I oppose the resolution. I can however give an assurance to the honourable member that I will personally look into the affairs of the Nabadwip Municipality and see if an improvement can be effected in regard to the sanitation of that town. Further, Sir, I wish to add that the Drainage and Water-supply Scheme of Nabadwip Municipality

is already under the sympathetic consideration of the Public Health Department. It is difficult for Government to accept the resolution however, sympathetic it may be.

Mr. RANAJIT PAL CHAUDHURY: Sir, it is rather surprising to hear the Hon'ble Minister in the present strain, especially after the assurance that was given by the present Finance Minister to my last resolution of a similar nature. I do not think the Nawab Bahadur can realize the position of the Nabadwip Municipality. The Municipality has not even got an income of a lakh of rupees and it is impossible for a small municipality like that to cope with the periodical rush of pilgrims amounting to over lakhs. The natural consequence is that the local inhabitants are attacked with epidemics and the whole town is filthified, which is naturally expected because the municipality cannot cope with the onrush of pilgrims. Then, the rates of taxes of the municipality are fairly high. I must also say to the credit of the municipality that they try to cope with the onrush of pilgrims even with their small income but they fail.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: What is the maximum rate that is levied?

Mr. RANAJIT PAL CHAUDHURY: I cannot tell you the maximum rate; I am not a Commissioner of that municipality. I think the Hon'ble Minister of Local Self-Government should be more aware of it than myself.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am aware of it but I am just asking you.

Mr. RANAJIT PAL CHAUDHURY: As I have already said I am not a Commissioner of that Municipality, so I do not know the rate but the rate might be fairly high. The Municipality has to maintain the waterworks for which they do not charge anything and supply water free in consideration of the fairly high taxation already existing.

However, Sir, I hope that by the small assurance that he has given I think he will really look into the matter and that he will not absolutely kill the idea of giving some sort of help. I further hope that this will be considered and that some grant will be given to the Nabadwip Municipality in future. Sir, I have already stated this municipality cannot be compared with any other municipality in the province. It is a unique one, and it is in fact the only municipality that has got such a vast number of pilgrims. So, I earnestly hope that in future it will get some sympathy from Government and that it will not be deprived because it does not concern the Coalition Party directly.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that measures be adopted by the Government of Bengal to supplement the resources of the Nabadwip Municipality in order to enable it to cope with the periodical growing rush of pilgrims during fairs and festivals in matters of health, sanitation, conservancy, water-supply and first-aid.

(The motion was negatived.)

Communication from the Government regarding change of programme of business.

Mr. PRESIDENT: I may inform the House that I have received the following communication from the Government of Bengal: "In continuation of this department letter No. 88A.R., dated the 16th January, 1941, I am directed to say that in modification of the previous order the Governor has been pleased to direct that there shall be no sitting of the Bengal Legislative Council from the 16th to the 24th February, 1941. In supersession of all previous orders, the Governor has been pleased to direct that the following business shall be taken up in the Bengal Legislative Council on the dates and in the order specified below:—

15th February—Presentation of the Budget.

25th, 26th and 27th February—General discussion of the Budget."

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Are we to understand that His Excellency the Governor has given this direction acting on the advice of his Ministers, as we knew that there would be no sitting of the Council to-morrow?

Mr. PRESIDENT: On this point I may refer the Raja Bahadur to Rule 12 of the Governor's Rules where it is stated that "the annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year shall be presented to the Council on such day in the preceding financial year as the Governor exercising his individual judgment may appoint".

Therefore, the House will realise that it is the Governor who appoints a day for this purpose in his individual judgment. The Ministry is not responsible for fixing the date.

Appropriation and Audit Reports for 1939-40.

The Hon'ble Mr. H. S. SUHRAWARDY: May I submit that before presenting the Financial Statement, I may also present the Appropriation Report and the Audit Report for 1939-40 before the House?

Mr. PRESIDENT: Yes, you may.

Notice regarding Bengal Motor Spirit Sale Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: May I also give notice of my intention to move during the current session of the Council that the Bengal Motor Spirit Sale Taxation Bill, 1941, be taken into consideration?

Mr. PRESIDENT: Yes.

Mr. HUMAYUN KABIR: Since it is an order by the Governor in his individual judgment, we do not propose to criticise the order which has been made for a sitting of this House for to-morrow, Saturday, But may I, Sir, through you communicate the feeling of at least a part of this House regarding the situation that has been brought about by this order? Under our Rules, Saturday is definitely set apart as a day when there will be no sitting of the Council. Monday was formerly fixed to be the date on which the Budget was to be presented. If we are suddenly forced to meet on Saturday, we shall have to suffer great inconvenience. Some of us have already made other arrangements for this day, inasmuch as the programme that was sent to us did not indicate that there would be any session of the Council on Saturday, the 15th February. In these circumstances, Sir, may I request that you will kindly communicate to His Excellency the Governor that in future if any such change has to be made, it should be made only for very important and urgent reasons and after giving us sufficient notice? I also want to point out the inconvenience caused to us by reason of a sitting being fixed for to-morrow.

As regards the time of the meeting, I hope, Sir, it will be fixed for the morning as early as possible, as otherwise it would be difficult for members to attend. It will suit our convenience if the meeting takes place at about 9-30 a.m. for this business——

Mr. SHRISH CHANDRA CHAKRAVERTI: The Lower House is sitting at 10 a.m. to-morrow. So, will it be possible for this House to meet at 9-30 a.m.?

Mr. HUMAYUN KABIR: Why not? We can perhaps dispose of this business in about half an hour, and the Assembly can go on after that.

Mr. PRESIDENT: The House will realise my difficulty in this matter. We are guided in such matters by rule 3 of the Rules of this House, viz., "that whilst in session, the Council shall, unless the President appoints another hour, meet at 4 p.m. except on Saturdays

when the hour of meeting shall ordinarily be 11 a.m. provided that on days when the Assembly meets, the Council shall meet at such hour as the Governor may appoint."

Therefore, it is the Governor and not the President who should fix the time for to-morrow's meeting.

Mr. HUMAYUN KABIR: But, Sir, as yet we do not know the time when we are going to meet.

Mr. PRESIDENT: What time does the Leader of the House suggest?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (Leader of the House): I think quarter past twelve would be suitable.

The Hon'ble Mr. H. S. SUHRAWARDY: Why not make it 12 noon?

Mr. HUMAYUN KABIR: As the Assembly is going to sit at 10 a.m. why don't we sit at 9-30 a.m. and finish the business before that House meets?

The Hon'ble Mr. H. S. SUHRAWARDY: I would rather like to present the Budget in the Lower House before I present the Financial Statement to this House.

Mr. HUMAYUN KABIR: So far as I remember, Sir, in the first year of the life of this House the Financial Statement was presented to this House in the first instance.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is there any such convention as stated by the Finance Minister that the Budget must be presented to the Lower House before any Financial Statement can be presented to this House?

The Hon'ble Mr. H. S. SUHRAWARDY: This is the convention that I believe is generally followed.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: But, Sir, so far as I remember, in 1938 the Financial Statement was first presented to this House.

Mr. W. B. C. LAIDLAW: Sir, 9 o'clock in the morning would suit us best of all.

Mr. PRESIDENT: As to the first point raised by Mr. Humayun Kabir, the Chair feels that there is a feeling of inconvenience among the members of the House about the sitting on Saturday, but the House probably is aware that His Excellency is not here in Calcutta at the moment.

However, I propose to convey to His Excellency the views expressed by honourable members in regard to the sudden change of date. I hope that in future His Excellency may give the Chair an opportunity of expressing its views on such matters before any final decision is arrived at.

As regards the time, it is for the Governor to fix it. As I have already said, that the Governor is not in Calcutta and I would therefore, like to have the opinion of the Hon'ble Finance Minister as to the time he thinks would be convenient to begin the Council meeting to-morrow.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry if it causes any inconvenience to any particular member, but I think the time suggested by the Leader of the House, namely, 12 noon to-morrow, is a suitable time.

Mr. PRESIDENT: Then, the Council is adjourned till 12 noon to-morrow.

Adjournment.

The Council then adjourned till 12 noon, on Saturday the 15th February, 1941.

Members absent.

The following members were absent from the meeting held on the 14th February, 1941:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Khan Bahadur Rezzaqul Haider Chowdhury.
(4) Mr. Kamini Kumar Datta.
(5) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(6) Mr. Mahomed Hossain.
(7) Khan Bahadur Saiyed Muhammad Ghaziul Huq.
(8) Khan Bahadur Muhammad Asaf Khan.
(9) Maulana Muhammad Akram Khan.
(10) Khan Sahib Subidali Molla.
(11) Dr. Radha Kumud Mookerjee.
(12) Maulvi Abul Quasem.
(13) Mr. Sachindra Narayan Sanyal.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Saturday, the 15th February, 1941, at 12 noon, being the fifth day of the first Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Recommendations of the Floud Commission.

9. Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the report of the Special Officer to examine the recommendations of the Floud Commission has reached the stage of finality;

(*b*) if so, when will it be published; and

(*c*) if not, when it will see the light of day?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): The report of the Special Officer is now under examination by Government. It is not proposed to publish the report for the present.

Mr. RANAJIT PAL CHAUDHURI: Will the report be published after the examination is over?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult for me to forecast that.

Mr. RANAJIT PAL CHAUDHURI: May we know the intention of the Government not to publish the report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no intention one way or the other.

Mr. RANAJIT PAL CHAUDHURI: May we know the reason then why the report will not be published?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have not said anything from which the honourable member can justly infer that the report will not be published.

Court-Sale on Friday during the hours of Jumah Prayers.

10. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether his attention has been drawn to the High Court ruling given in Fateh Chand Mahesri versus Akrimuddin Choudhury and others as reported in page 109 of 44, C.W.N., in which it has been held that a sale is not vitiated by reason of material irregularity if it is held on a Friday during the time during which the business of the Court remains suspended for Jumah prayers?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does not the answer indicate that Muslim clients, those people willing to bid for the sale, have to appear on Fridays during Jumah prayers?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: So does it not make Government orders now in force about suspension of business for the Jumah prayers nugatory?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The order in question is not the order of Government. The order is the order of the High Court. The High Court made a circular and the District Judges and the other Courts are to follow that circular. And as far as I have read that circular, the circular does not include sales held by the Nazir outside the Court. So the judgment referred to in that case provided that the rules do not prohibit the holding of sales by the Nazir during that time. This is a judgment of the High Court made by virtue of its civil jurisdiction. The Executive Government has practically no powers of control over the High Court in its Civil Jurisdiction and if anything can be done in the way it is to move the High Court to change the rule so that the rule can be interpreted to include the action of the Nazir also in holding sales. That is a matter which requires time and attention.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are the rules about suspension of business of Courts issued by Government or by the High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already said, Sir, in the beginning that the rules were issued by the High Court.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Has the Government any authority to press the High Court, in view of the feeling of the Muhammadans on the point of Jumah prayers, to consider the modification of the rules so as to apply them in the sales?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already stated that the rules seem to be defective. You know politicians have been trying their best to see that all works in the Courts as well as in the offices are stopped during the time of prayer. The High Court and the District Magistrates agreed to postpone the works of the Courts, but not of offices. Only provision was made to this effect that in the case of offices if any Muhammadan officer wants to say his prayers, he should be allowed to do so. So, we do not know whether it was a Muhammadan officer who was a Nazir of that Court.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am concerned only with the time.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As regards time, it is the work of an officer and not of a Court. So, if you want to see that entire work of the Civil Court offices are stopped during that 1½ hours, namely, from 12-30 to 2 p.m. on Friday, then the whole rules will have to be changed. Rules as interpreted by the High Court do not cover your case.

Mr. HAMIDUL HUQ CHOUDHURY: Did the Government take any step to represent to the High Court the desirability of changing the rules?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government is investigating into the matter and will see whether Government has any power to do so.

Mr. HAMIDUL HUQ CHOUDHURY: Has the Government made any representation to the authority in power that the rules should be changed by the High Court?

Mr. NARESH NATH MOOKERJEE: In the course of their investigation, will the Government please take into consideration similar claims of other communities also?

Mr. PRESIDENT: Order, order. The Hon'ble the Finance Minister will now present the Budget for the year 1941-42.

Presentation of the Budget for the year 1941-42.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, with your leave and in accordance with your direction given on the last occasion, may I, under section 169 of the Government of India Act, 1935, lay before the Council the report of the Auditor-General of India relating to the Accounts of this province for the year 1939-40, namely, the Appropriation Accounts, the Finance Accounts and the Audit Reports thereon?

Now, Sir, I rise to present to the Bengal Legislative Council the Budget Estimates for the year 1941-42. These estimates were presented to the Assembly earlier to-day and in the statement that I made before the Assembly at that time I set forth the Budget proposals for the coming year and reviewed in detail the financial results of the working of the current year as well as of the year before. I feel that with copies of that statement in their hands, honourable members would like me to confine my observations in this House to the more important features of the Budget.

It is estimated that the coming year will start with an opening balance of 1 crore 92 lakhs. This sum includes 75 lakhs of borrowed money - the proceeds of three months' Treasury Bills which it is estimated will have to be issued early in March next for maintaining our ways and means position. The whole of this short term loan will be repaid in 1941-42. If allowance is made for this, it will appear that our effective opening balance is only a crore and 17 lakhs.

Mr. RANAJIT PAL CHAUDHURI: I think the Hon'ble Minister is more clear without the amplifier.

The Hon'ble Mr. H. S. SUHRAWARDY: The revenue receipts in the coming year have been placed at 14 crores and 3 lakhs and revenue expenditure at 15 crores and 37 lakhs. There is thus a deficit in revenue account of one crore and 34 lakhs. The closing balance is estimated at 33 lakhs only, which is less than the minimum balance which Government are required to keep with the Reserve Bank and in the district treasuries. The Budget for the coming year includes schemes of new expenditure totalling about 80 lakhs. These are set forth in detail in the Red Book which has been circulated to the honourable members, and it will be sufficient if I refer only to some of the important items amongst them.

The Education Budget includes an additional provision of 7 lakhs for grant to the District School Boards for the development of primary education, over and above the provision in the last year's Budget, and the extraordinary provision of a further sum of 8 lakhs voted earlier in the week. Another important provision relates to the Scheduled Caste Education Fund which was created in 1938-39 with a contribution

of 5 lakhs from revenue. This Fund is nearing exhaustion, and it is proposed to replenish it to the extent of 1½ lakhs in the coming year. Under Public Health an increased provision to the extent of 9 lakhs has been made in respect of grant for rural water-supply free distribution of quinine and other sanitary and anti-malarial measures. There are two items under Industries which are of far-reaching importance to the economy of this province. The first of these relates to the establishment of a Department of Fisheries, the need for which has been long felt. Some time back the Government appointed an expert to survey the existing condition of fisheries in this province and formulate proposals for the organisation of a Fisheries Department on the most up-to-date lines. The recommendations of the expert have now been considered and the next year's Budget contains a provision of Rs. 80,000 as the initial cost of organizing a Department of Fisheries. The second item is a provision of Rs. 1½ lakhs to reorganize the Cinchona Department, and this reorganization is being made with a view to extend the cultivation of cinchona on a scale which will in due course make Bengal almost self-sufficient in regard to its supply of quinine. Under the Irrigation Budget special mention may be made of a scheme for the establishment of an Institute for River Research in accordance with the recommendations of a Conference of Scientific and Technical Experts specially convened to consider the river problems of Bengal. The details of the scheme have been worked out in close collaboration with the Punjab Irrigation Research Institute which has played such an important part in the development of irrigation facilities in that province. It is estimated that an expenditure of about 6 lakhs will be required for the development of the Institute in the course of the next 5 years. Another item which deserves individual mention is a provision of 5 lakhs under the Civil Works Budget representing the next year's requirement in connection with the removal of the headquarters of the Noakhali district to Begumgunge. The total expenditure involved in this removal is nearly 41 lakhs. Provision has also been made, as a preliminary measure, for a scheme for establishing rural dispensaries between two unions, and for this a sum of Rs. 1½ lakhs has been allotted this year. If successful, it is expected to involve us in a recurring expenditure of about 35 lakhs per annum. A further sum also of a lakh and 54,000 rupees has been provided for the Jadavpur Tuberculosis Hospital as an earnest of our intention to develop tuberculosis institutions.

The Agricultural Budget contains a provision of over Rs. 22 lakhs to meet the cost of the examination of jute lands in terms of licenses issued in the current year and also for the issue of licenses for the 1942 crop in accordance with the Bengal Jute Regulation Act of 1940. It also contains a provision of nearly Rs. 4½ lakhs for the supply to cultivators of seeds for substitute crops to be grown on areas which will be

set free by the regulation of the jute crop for 1941. The House will, I am sure, pardon me if I take this opportunity of placing before it in some detail the reasons for making provision in the Budget for these amounts, based as it is on the determination of the Government to carry through the regulation already decided upon.

The keystone of the whole policy of Government in regard to jute is regulation, and Government will leave nothing undone to secure effective regulation of the 1941 crop. The 1940 crop was a record one and was far in excess of the probable demand. The situation created by this large supply in combination with the closure of foreign markets in Europe, the serious restriction of shipping and the great interference with normal trading arising out of war conditions, was so serious that if left to itself, it would undoubtedly lead to a complete collapse of jute prices at the very outset of the current season. Thanks to the various steps taken by the Government, a total collapse was averted and prices have been maintained at levels very much higher than otherwise would have been the case. The action which Government took would have been utterly impossible had not the regulation of the crop in order to bring the supply as nearly as possible in line with demand been the fundamental and declared basis of their policy. The position to-day remains very much the same. The greatest danger from all points of view is the danger of continued over-production. Nothing is more certain than the growing of another large crop in 1941 will not only cause a total collapse even of present prices, but will result in making jute of all kinds, except the very finest quality, totally unsaleable this year and the next. This would be a calamity of the greatest magnitude the effects of which would paralyse the whole province and all sections of its people. It is unthinkable that any responsible Government, knowing what the result will inevitably be, could stand aside and allow this disaster to occur not because there is any reasoned or reasonable objection to the policy of regulation which has been recognised on all sides as wise and honest policy, but simply because of some alleged defects in the manner of applying that policy. That there are defects in the record on the basis of which regulation is being carried out cannot be denied. Such defects are inevitable when it is considered what was the time available for this gigantic and entirely novel task. To avert catastrophe, the crop of 1941 has to be regulated, defect or no defect. Government would certainly be deserving of blame had they taken up the attitude that such an immense work could not be done in the time available. They did not do so, but they set themselves to the task, very formidable it might prove to be, at once, knowing well that non-restriction of all sowings would mean ruin to the entire countryside and certainly to the finances of the province. That task has been accomplished and on the whole has been well done. Government are well aware of the extent and nature of the defects in the record, and

they know that they are not either so extensive or so serious as now sought to be made out. In any event, they are thoroughly satisfied that there is no justification whatsoever for any suspension of regulation, for such a course means certain ruin for the agriculturists or for all who deal with trade with them. Government have admitted that the record is not free from mistakes and is not perfect. But that is not all. Government have taken steps to see that the effect of such mistakes and any hardships that might arise out of them shall be reduced to a minimum. Orders have been given to the Regulating staff and to the Union Jute Committees that clerical errors and obvious mistakes about which there is no dispute shall be provisionally corrected at once and these provisional corrections acted upon in the issue of licenses. (Mr. LALIT CHANDRA DAS: By whom?) By the Union Jute Committees and by the Regulating Staff. Formal corrections under the orders of Collectors will be made in due course after the work of licensing is over. No man will suffer because an obvious error has not been formally put right. Complaints have been made that growers were not advised of the procedure to be adopted for making the record or how they should put forward their claims. This is not correct. Intensive propaganda was undertaken throughout the province to explain the meaning of the record. Thousands of pamphlets and leaflets were distributed in the villages through the recording staff, through the Union Boards and through the ordinary district staff. Full publicity was also given through the mufassal press. In fact, all possible steps were taken to acquaint all concerned about what was being done. Notices were issued in the villages by beat of drum and the staff made every effort to secure the attendance of growers and enlist their co-operation. In only a few areas was there any non-co-operation and in those areas mischief-makers had been at work deceiving the people by telling them that the record was to be used as the basis of a new form of taxation. Such areas, however, were comparatively small. Cases in which old *mauzas* or sheets were entirely omitted are said to have occurred. Orders have been issued that such cases shall be investigated and, if necessary, records now prepared and licenses issued accordingly. Apart from complaints of errors and omissions in the record to deal with which action as indicated above has been taken, there have been complaints that lands not recorded as jute lands cannot be used this year for the growing of jute by licensees. This also is not correct. Growers have the right to choose any lands which belong to them up to the maximum area allowed by their licenses. Government have taken special steps and have appointed a special staff to deal with such cases, the total cost of which this year and next will amount to 2½ lakhs. As this decision was taken after the Supplementary Budget was before the House and the Budget for next year was in print, this item will not be found in the Budgets and its expenditure will have to be regularized in due course. Instructions are now being

issued to all Union Jute Committees to accept and dispose of all applications of this nature. That may be made at any time even after the issue of licenses. The period of 7 days which was originally given for making the applications has therefore been enlarged. Everything possible is being done to see that cases where a land outside the record is genuinely necessary for rotation of crops shall be properly dealt with. Representations have also been made that some objections filed by growers when the record was being made but were not properly enquired into or were disallowed for some purely technical reasons, to ensure that no hardship shall arise out of any such cause. Government are now issuing instructions to the staff and the Union Jute Committees and also applications for the rehearing of objections filed when the record was being made shall continue to be received and disposed of after due enquiry. In this way genuine cases of grievance will be looked into and appropriate action taken. Another source of complaint in some quarters is that lands upon which nothing but jute can be grown have not been specially recorded as such, as the Act provides. It is also said that growers did not know that such lands must be specially recorded. This is not so. The notices calling on growers to get their jute land recorded were issued simultaneously with notices calling on them to put in their claims concerning land upon which nothing but jute could be grown. It is not surprising that a very large number of these claims could not be allowed. They were carefully investigated locally and only genuine claims were accepted. It is obvious that to admit any and every claim of this sort would have resulted in the regulation becoming a farce and the Act had to be very strictly interpreted. This ground of complaint has been very greatly magnified and it is not any ground for abandoning a measure which is essentially necessary for the welfare of a vast number of persons. It would be a stupid and fatal mistake on Government's part to leave the vast majority of growers to their fate simply because a small minority may suffer a temporary hardship.

That there will be hard cases must be admitted, and Government will carefully consider cases of serious and genuine hardship arising out of any defects in the record or the licensing procedure. Appropriate action to mitigate such hardships will be taken where necessary. Government are in a position to ascertain and assess the facts and take action accordingly.

Lastly, it cannot be too greatly emphasised that regulation is absolutely vital to the interest of the growers and for this purpose ample provision has been made in the Budget and Government are determined to spare no effort or expenditure in ensuring effective restriction of the next and succeeding crops.

Let me now return, Sir, to the financial results of the estimates for the coming year. As I have already stated there is a gap of one crore

and 34 lakhs between the budgeted receipts and expenditure. This gap is so wide that it could not be covered even by drawing upon the whole of our effective opening balance which amounts to one crore 17 lakhs only. The presentation of a Budget so unorthodox in its final features demands an explanation. In my last Budget statement before this House, I made it clear that the time had come when it was necessary to augment our resources substantially both to balance our Budget and to enable us to give effect to our programme of constructive development, and I added that with this end in view I expected to place new taxation proposals before the House. As the House is aware two taxation measures—one, to provide new money for the construction of roads, and the other to augment our resources for the nation-building activities—are awaiting the verdict of the Legislature. I have refrained from anticipating that verdict and have consequently not included in our revenue expected yield from these two taxes. It will, however, be obvious to the House that without the additional revenue for which the Legislature has been approached, it will not be possible to undertake any expansion of our constructive programme or even to balance our Budget. If we are to discharge the obligations which no Government responsible to the people can ever hope or wish to evade and if we are to solve the manifold problems which owe their acuteness in no small measure to the makeshifts and parsimony that starved several exchequers forced upon our predecessors in office, we must embark on an ever-increasing scale of expenditure on nation-building departments and rely on the Legislature to furnish us with adequate resources for the purpose.

With these words, Sir, I present the Budget for the consideration of the House.

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. on Tuesday, the 25th February, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 25th February, 1941.

Members absent.

The following members were absent from the meeting of the Council held on the 15th February, 1941:—

(1) Khan Bahadur Naziruddin Ahmad.

(2) Rai Bahadur Keshab Chandra Banerjee.

(3) Mr. Kamini Kumar Dutta.

(4) Khan Bahadur Alhaj Khwaja Muhammad Esmail.

(5) Mr. Kanai Lal Goswami.

(6) Mr. Mahomad Hossain.

(7) Khan Bahadur Syed Muhammad Ghaziul Huq.

(8) Alhadj Khan Bahadur Shaikh Muhammad Jan.

(9) Khan Bahadur Muhammad Asaf Khan.

(10) Maulana Muhammad Akram Khan.

(11) Khan Sahib Subidali Molla.

(12) Dr. Radha Kumud Mookerjee.

(13) Maulvi Abul Quasem.

(14) Mr. Sachindra Narayan Sanyal.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 25th February, 1941, at 2-15 p.m., being the sixth day ot the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. PRESIDENT (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Outstanding Questions of previous Session and Answers thereto.

Agricultural Loan.

68. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what amount of money was given out as agricultural loan during the last three years through the Collectors?

(*b*) What was the rate of interest charged for the loan granted through the Collectors?

(*c*) What was the cost of distribution and realisation of loans granted through the Collectors?

(*d*) What percentage of the loan distributed through the Collectors was realised without certificates?

(*e*) Have the Government decided if the loans to be given to agriculturists for ordinary agricultural operations should only be given through the Collectors or through any other agency?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):

		Rs.
(*a*) 1937-38	...	3,52,319
1938-39	...	56,48,619
1939-40	...	33,78,315
	Total ...	93,79,253

(*b*) $6\frac{1}{4}$ per cent.

(*c*) The distribution and realisation of loans are generally made by the permanent gazetted and non-gazetted staff and the work is an addition to their normal duties and it is not possible to calculate the cost.

(*d*) 27 per cent.

(*e*) Agricultural loans are distributed through the Collectors and there is no proposal under the consideration of Government for distributing them through any other agency.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state as to what is the allotment for agricultural loan for the current year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would refer the honourable member to the Budget statement which has already been circulated.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: From the Budget it appears that the amount this year is only 7 lakhs, instead of 33 and 56 lakhs in the previous years. Are we, therefore, to take it that that is all that the agriculturists can expect?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. If the honourable member will kindly refer to the Budget statements of the previous years, he will find that there never had been such large provisions in the budget specifically for this purpose but we went on advancing such loans according to the requisitions from the Collectors and the expenditures were met by supplementary demands.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it not a fact that 50 lakhs had been set apart for crop-loan through the co-operative societies in 1937?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, but that was in addition to the agricultural loan. It has nothing to do with that item.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Am I to understand that it was all meant for agricultural operations?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. RANAJIT PAL CHOUDHURY: Is the amount of 33 lakhs the highest for the last 5 years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would refer the honourable member to the figure for 1938-39, the amount is Rs. 56 lakhs. So 33 lakhs is not the highest amount under this head.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state if the crop-loans through the co-operative societies only reach the members and not all the agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is quite possible.

Appointment of Police Surgeon, Calcutta.

69. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the officiating Police Surgeon, Calcutta Police Hospital, is going to retire in January, 1941?

(*b*) Is it true that there are very few Mussalmans holding selected appointments in the Bengal Medical Service?

(*c*) Are the Government contemplating to fill up this post by a Moslem?

(*d*) Is it true that a Moslem doctor with electro-medical experience only and without any hospital or administrative experience whatsoever and at present not in Government service, is going to be appointed to the post?

(*e*) Are there not Moslem doctors with higher qualifications and greater experience already in Government service or practising outside?

(*f*) Do the Government propose to give due consideration to the legitimate claims of deserving Moslem candidates already in service before the appointment is made?

(*g*) If the answers to parts (*d*) and (*e*) be in the affirmative, what are the reasons for overlooking the claims of those doctors mentioned in part (*e*)?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes, on the 31st January, 1941.

(*b*) Yes.

(*c*) and (*f*) The question of filling up the post permanently is under consideration.

(*d*), (*e*) and (*g*) Do not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is it a fact that the post is now being temporarily held by a Hindu officer?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state when the question of filling up the post permanently will arise?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The question has already arisen, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But when will the question be finally decided?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Unfortunately, my colleague, the Hon'ble Minister, has been ill and the matter has got to be discussed between the Home Department and the Local Self-Government Department, before the question can be finally decided.

Appointment to the post of Police Surgeon, Calcutta.

70. Mr. LALIT CHANDRA DAS: (*a*) With reference to the reply given by the Hon'ble Sir Bijoy Prasad Singh Roy on behalf of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, to the question No. 15 on the 30th July, 1940, will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the terms of advertisement have been settled and whether any decision has been arrived at in the matter which was stated to be under consideration at the time by the Hon'ble Minister?

(*b*) With reference to the reply asking for notice by the Hon'ble Sir Bijoy Prasad Singh Roy to the supplementary question put by the questioner on the 30th July, 1940, on the question No. 15, will the Hon'ble Minister be pleased to state the name of the person who was recommended by the Public Service Commission for the said appointment?

(*c*) With reference to the reply asking for notice by the Hon'ble Sir Bijoy Prasad Singh Roy to the supplementary question put by the questioner on the said question regarding defect in the notice and readvertisement of the post, will the Hon'ble Minister be pleased to state whether there was any defect in the advertisement issued by the Public Service Commission for the post, and if so, what was the defect for which the advertisement was readvertised?

(*d*) Will the Hon'ble Minister be pleased to state whether the post of the Police Surgeon is going to be split up into two posts by the Government, and if so, what are the reasons therefor?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No.

(*b*) Three persons were recommended in order of merit. It will not be in the public interest to disclose the names of the persons recommended by the Public Service Commission, since the post is going to be re-advertised.

(*c*) There were several defects in the advertisement.

(*d*) No.

Election to Local Boards of Midnapore.

71. Rai Bahadur MANMATHA NATH BOSE: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the existing Local Boards in the district of Midnapore are continuously running since January, 1933? If so, why?

(*b*) Were the Local Board elections in all subdivisions of the said district except Jhargram, held in February, 1939? If so, why the election of the Jhargram Local Board was not held at that time, and why are not the new Local Boards functioning?

(*c*) Is it a fact that the Government decided to hold the election at Jhargram in January, 1941? If so, why is not the election held yet and why have the candidates been asked to withdraw their applications and deposits? Is there any chance of the election at Jhargram ever being held? If so, when? Has any report been called for from or submitted by the District Magistrate, Midnapore, in this connection? If so, will it be laid on the table of this House?

(*d*) Is it a fact that clause (*3*) of section 19A of the Bengal Local Self-Government Act, lays down that the "members of District Boards and Local Boards shall hold office for a term of five years, commencing from the date of the first meeting each Board at which a quorum is present"?

(*e*) Are the acts, orders and resolutions of all the Local Boards and the District Board (which is in existence since January, 1934) in the district of Midnapore, since January, 1938, in case of Local Boards, and January, 1939, in case of the District Board, illegal and *ultra vires* according to the opinion of the legal experts? If not, what is their opinion on this?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes. As the existing Local Boards in the district of Midnapore have not yet been reconstituted, their members are continuing in office by virtue of sub-section (*3*) of section 19A of the Local Self-Government Act.

(*b*) Yes. The election of the Jhargram Local Board had to be postponed in 1939 as Government were advised that some of the Election Rules under the Local Self-Government Act were inapplicable to a considerable part of the Jhargram subdivision which was covered neither by *panchayeti* unions nor by Village Self-Government unions and that no valid election could, therefore, be held in this subdivision until these rules were amended. The rules have since been suitably amended.

Under rule 48 of the Election Rules under the Local Self-Government Act, which is a statutory rule, the names of the elected and appointed members of Local Boards are required to be published simultaneously. The new Local Boards cannot function until the names of their elected and appointed members have been published under the aforesaid rule and each oBard has held its first meeting at which a quorum is present.

(*c*) It was originally decided to hold the election to the Jhargram Local Board in January, 1941. But subsequently under the general orders of Government the election of this Local Board, along with those of several other local bodies in the Province, were postponed up to the 31st March, 1941, in order to facilitate the census operations. The election is expected to be held after the 31st March next and it is reported that no candidate has been asked to withdraw his application or deposit. No report has been called for from the District Magistrate of Midnapore in this connection.

(*d*) Yes, but the honourable member's attention is also invited to the concluding portion of the clause which covers the period which may elapse between the date of expiry of the ter mof five years and the date of the first meeting of the next reconstituted Board at which a quorum is present.

(*e*) According to the legal opinion obtained by Government in a similar case, under sub-section (*3*) of section 19A of the Local Self-Government Act, the old Board must continue until the first meeting of the reconstituted Board, even if there is delay in reconstituting it. In view of this opinion, the acts, orders and resolutions of the Boards cannot be regarded as illegal and *ultra vires*.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*e*), will the Hon'ble Minister be pleased to state why the election rules under the Local Self-Government Act are not applied to a considerable part of the Jungipur subdivision seeing that elections in that subdivision are not going on for a long time past?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I may say in the first place that the reasons are given in the printed answers. If more reasons are asked I would ask my friend the Rai Bahadur to ask our legal adviser.

Gumti embankment in Tippera.

72. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether in pursuance of a promise made by the Hon'ble Minister, any survey work was undertaken during the last rainy season in connection with the problem of the Gumti Embankment in Tippera?

(*b*) If the answer be in the affirmative, will the Hon'ble Minister be pleased to state what has been the result of that survey and whether there is any prospect of the Government undertaking any permanent cure of the flood problem in relation to the embankment in question?

(*c*) Have the Government given up the schemes of escape drawn up by the Irrigation Department? If so, what are the reasons for doing so?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) The necessary survey has already been started and it is hoped that it will be completed by the end of this cold weather. On completion of the survey, the question of final abandonment of the embankments retaining, if necessary, a portion sufficient for the purpose of protecting the Comilla town will be examined, as was decided at the conference held in December, 1939, at which the honourable member himself was present.

(*c*) The technical advisers of Government did not recommend that the scheme for the construction of escapes should be taken up as in their opinion its effect would be to transfer flooding from one portion of the river basin to another.

Agricultural Loan.

73. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) what amount of money was given out as agricultural loan during the last three years through the Co-operative Department;

(*b*) what was the rate of interest charged for such loans granted through the said department;

(*c*) what was the cost of distribution and realisation of loans granted through the said department;

(*d*) what percentage of loan distributed through the department was realised without certificate; and

(*e*) whether the Government have decided if the loans to be given to agriculturists for ordinary agricultural operations should be given only through the Co-operative Department or through any other agency?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) The amounts of money advanced by Government to the Bengal Provincial Co-operative Bank for distribution as seasonal crop-loans during the last three years are shown below—

1937-38—Nil.

1938-39—Nil.

1939-40—Rs.13½ lakhs.

(*b*) Interest charged by Government from the Bengal Provincial Co-operative Bank is at 3¼ per cent.

(*c*) So far Government have not incurred any additional cost.

(*d*) Nil.

(*e*) Loans are given through the Co-operative Societies as well as through the Revenue Department, according to the circumstances of the cases.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state what is the rate of interest charged from the society members for this class of crop loans?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The interest charged is Rs. 9-6-0 per cent. per annum.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if it is a fact that the rate of interest for agricultural loans granted through the Collectors is 6¼ per cent.?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a kind of loan granted through the Collector, as has been stated by the Hon'ble Minister for Revenue in reply to a question this morning of the Khan Bahadur, under the Agriculturists' Loans Act of 1884.

Mr. J. B. ROSS: Will the Hon'ble Minister be pleased to state the nature of security which Government takes rom the Bengal Provincial Bank for loans made to them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this is the Provincial Co-operative Bank and so it is registered under the Co-operative Societies Act. As such no further security is demanded except that they have said by a resolution that they will abide by the rules laid down by Government in this matter.

Mr. J. B. ROSS: Will the Hon'ble Minister be pleased to state whether, if the Bank go into liquidation, Government stands to lose anything arising out of the liquidation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, this is a hypothetical question which I am not prepared to answer.

Mr. J. B. ROSS: Will the Hon'ble Minister be pleased to state if the Government are satisfied with the security that the Provincial Bank holds against loans granted to other banks?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes, Sir, otherwise they would not make the loans.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister be pleased to state what is the nature of the security which satisfies the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No security has to be furnished under the Co-operative Societies Act. All such banks are bound to follow the rules and bye-laws framed under the Co-operative Societies Act.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, are we to take it that the banks registered under the Co-operative Societies Act cannot go into liquidation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a hypothetical question.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state if it is a fact that from the next year Rs. 88,000 has been put down as supervision charge for distributing crops loans?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the budget itself which has been presented by the Hon'ble Finance Minister.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am quoting from the Budget. Sir, in the answer to question No. 68 given by the Hon'ble Revenue Minister, it appears that Rs. 56,48,619 and Rs. 33,78,315 were given away without incurring any cost.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the Hon'ble Minister to the answer given and there is nothing further for me to add.

Recommendations of Mr. Stuart in the Khasmahal Report.

11. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if his attention has been drawn to the specific recommendations made by Mr. Stuart in his *Khasmahal* Report recently published?

(*b*) (*i*) Which of these recommendations have been accepted by Government up to this date?

(*ii*) Which of them have been rejected by Government and why?

(*iii*) Which of them are still under the consideration of the Government?

(*c*) Have the Government accepted the suggestions of Mr. Stuart regarding collection of revenue from *khasmahal* tenants by *punyaha* system? If not, why not?

(*d*) What measures have the Government adopted to remove corruption from the administration of *khasmahal* estates?

(*e*) Is it a fact that at the time of Revisional Settlement in Chittagong the assessment of revenue and rent was revised in some cases 50 to 100 per cent. higher than the previous assessment?

(*f*) Are Government aware that such high assessment is causing hardships to the properties of estate and *taluks* under Government. If so, do Government propose to take such steps as they think proper to reduce the assessment to a reasonable level? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes. The attention of the honourable member is also drawn to the answer delivered on the 20th December, 1939, on the floor of this House, to his question No. 88.

(*b*) Orders have been passed and suitable rules have been framed on the recommendations contained in the chapters of the report dealing with Rents, Remission and Fresh Settlements. Other recommendations are under consideration.

(*c*) No. The *punyaha* system was tried in 1936-37 but did not prove a success.

(*d*) The report shows that corruption is small in extent and diminishing in volume. Apart from the revision of the settlement rules which has been made, no special steps were recommended or seem to be required. Instructions have, however, been issued to the local officers to inform the tenants making payment of rent that they are entitled to get a signed receipt immediately in the proper form from a *tahsildar*.

(*e*) No; the records do not show that there was a 50 to 100 per cent. increase on the previous assessment.

(*f*) Cases of genuine hardship were examined by the Special Jamabandi Officer and necessary relief was granted. No further action is in contemplation of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to (*d*), is the Hon'ble Minister aware that Tahsildars on receipt of a pay of Rs. 30—50 are placed in charge of collections amounting to 40 to 50 thousand rupees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does not the Hon'ble Minister think that such poorly paid officers of this class are likely to practise dishonesty on the tenants?

Mr. PRESIDENT: That is a matter of opinion.

Establishment of a maternity and child welfare centre at Chittagong.

12. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the rate of infant mortality and death after child birth has been increasing in Chittagong for some years or at least it is larger than those of some other districts?

(*b*) Is it a fact that a scheme for establishing a maternity and child welfare centre has been proposed and sent to Government by the Divisional Commissioner, Chittagong, for approval?

(*c*) Is it a fact that a sum of Rs. 10,000 has already been raised from the public as half contribution for the construction of a suitable building

for the said centre? Is it a fact that a plan and estimate amounting to Rs. 18,000 and odd has been prepared by the Executive Engineer, Chittagong Division?

(*d*) Is it a fact that the work of the maternity and child welfare centre has already commenced with the annual contribution of Rs. 1,000 and more from the Chittagong Municipality and the services of a very efficient European Health Visitor has been obtained?

(*e*) If so, do the Government propose to contribute the other half of the capital grant, i.e., Rs. 10,000 for the construction of the proposed building for the centre? If so, when?

(*f*) Do the Government propose to sanction an annual recurring grant, especially for the maintenance of this centre? If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No. From the available figures the maternal and infantile deaths appear to be on the decrease and the rates of mortality compare favourably with those in other districts in Bengal.

(*b*) The scheme for establishing a maternity and child welfare centre was forwarded by the Commissioner of the Chittagong Division to the Director of Public Health in the beginning of January, 1941, and is now being examined by him.

(*c*) It is reported that a sum of Rs. 7,902 has been realised out of the promised amount of Rs. 10,000. The plan and estimates of the maternity and child welfare centre have been sent to the Director of Public Health.

(*d*) It is reported that work has already been started at the centre.

(*e*) The policy of Government is that a moiety of the cost of a maternity and child welfare centre, according to type plan approved by the Public Health Department will be met by Government subject to a maximum of Rs. 3,000 in case of a centre without provision for beds and a maximum of Rs. 4,000 where maternal beds are provided. The Government have also undertaken to provide the pay of the Health Visitor, fixed for the present at Rs. 75 per month.

(*f*) The matter will be considered as soon as the proposal is received from the Director of Public Health.

Notices of Amendments to Motions regarding non-official Bills.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to give notice that I shall move an amendment to the motion of Mr. Nur Ahmed, M.L.C., that his Bengal Moslem Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be taken into consideration in the session of the Council commencing on the 10th February, 1941,

that the Bill be circulated for the purpose of eliciting public opinion by the 31st January, 1942.

I am further to give notice of the following amendment to the motion of Mr. Hamidul Huq Chaudhuri that the Presidency and Small Causes Court (Amendment) Bill, 1940, be referred to a Select Committee at the present session of the Council,

that the Bill be circulated for the purpose of eliciting public opinion by the 15th March, 1942.

General discussion on the Budget for the year 1941-42.

Mr. PRESIDENT: The House will now take up general discussion on the Budget for the year 1941-42.

Dr. RADHA KUMUD MOOKERJI: Sir, I congratulate the Hon'ble the Finance Minister on the business-like manner and I may say terseness and lucidity with which he has presented his statement on the Budget. But I am sorry to say that I cannot congratulate him on the plan of his budget nor on the principles upon which it is based. Of course he is not to be blamed in this respect, because he is an heir of old traditions, the traditions of the old autocratic Government under the last Government of India Act.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is he less autocratic?

The Hon'ble Mr. H. S. SUHRAWARDY: Do not heckle your own member

Dr. RADHA KUMUD MOOKERJI: But although the old traditions are kept up in the formulation of the Budgets from year to year, we should all recognise that there has been claimed a radical change in the very constitution of the Government. For, after all, Bengal is supposed to enjoy its provincial autonomy. Now, although the constitutional structure may have changed, we do not see the effect of this change reflected at all in the Budgets which are being presented year after year by the so-called National Government under a system of provincial autonomy. There is a saying that "a man is known by the company he keeps." Perhaps I might say that he is better known by his Budget, by the objects on which he spends money and so far as a Government is concerned, the key to its character is certainly revealed in its Budgets. If we accept this criterion for judging a Budget, for it is true that a Government must be judged by the principles upon which it formulates its Budget, I am sorry to say that the Budgets presented by the present Government fall far short of our expectations which are aroused by the functioning of provincial autonomy in this province.

No doubt the Budget is a very good performance from the point of view of Government, but it is not so if we consider the point of view of the people; if we have in mind the urgent needs of the masses of Bengal's population which a Budget is bound to serve. Now, here I must say let us take stock of the situation and visualize the conditions in which the masses of this province are placed by the circumstances over some of which they have control and over some of which the Government have more control. The Finance Minister, however, is right when he says that the fundamental weakness of Bengal's financial position is due to the Centre, and here I cannot but pay a tribute of my recognition to the first public acknowledgment that has been made by the Finance Minister on this subject. On this point I have been harping from year to year but this is the first time that a Finance Minister has also caught this tune and is singing in the same strain. I refer to page 1 of his statement. He says "Our *per capita* income is much less than that of any other major province and inevitably therefore our *per capita* expenditure compares unfavourably with that of the other provinces. For years and years we have been so starved that we have a tremendous leeway to make up: and it is not at all surprising that the standards of administration of many of our departments compare unfavourably with those of other provinces that have had the good fortune to be possessed of plentiful revenue." Now, here I join issue with our Government. If they feel that the provincial revenues have been handicapped by so much of deductions to the Centre, what is the particular step that the Provincial Government is taking to have this glaring financial injustice remedied at the hands of an unsympathetic Centre that is not swayed by sympathy with the needs of this province? But to bring the matter more closely and vividly before the House, I should like to give facts and figures for it is in terms of facts and figures that one should talk on a subject like a Budget. I do not like to indulge in platitudes or generalisations. I wish to talk strictly in terms of facts and figures.

Taking the year 1929, for which statistics were prepared by this Government, we find that, while Madras has to cater for a population of 42 millions with a residual provincial revenue of 18 crores, while Bombay which has to cater only for the needs of 19 millions and could bag a provincial revenue of 15 crores, and while the Punjab with a population of 20 millions could get 11 crores of provincial revenue, Bengal with a population of 50 millions was given the go-bye and asked to be content with a modest revenue of 11 crores. Now, Sir, the question is: is it physically possible for Bengal, so handicapped initially by an inadequate provincial revenue, is it possible for Bengal to come up to the standards of other Provincial Administrations? Now, this must not lead us to think that Bengal is intrinsically poorer than any other province in India. Bengal still is potentially and intrinsically the richest province in the whole of India, for if we

consider the deductions made by the Centre from provincial revenues we find that whereas Madras gives to the Centre only a sum of 7 crores, Bengal has to part with 27 crores; that is to say, the gross revenue of Bengal amounts to about 38 crores but her residual revenue has been reduced to the modest sum of 11 crores to do duty for a population that is nearly 3 times the population of Bombay. Under these heavy financial handicaps, is it a wonder that the poor Bengalis are losing to the provincials of other countries in every walk of national life? My first point, therefore, is that the Finance Minister should follow up the regret that he has expressed at the beginning of his statement and let us know what special steps the Provincial Government can now take so as to get this financial injustice remedied on behalf of Bengal; but meanwhile the masses cannot wait. The whole people of Bengal are suffering from the effects of a hopelessly inadequate provincial revenue. Taking the expenditure on the nation-building departments in 1930, I find that whereas Madras could spend Rs. 86, Bengal could spend only Rs. 14 and the Punjab as much as Rs. 82. I have made these calculations on the basis of actual figures. Bengal's expenditure on nation-building departments in 1930 amounted to Rs. 404 lakhs as against Rs. 763 lakhs spent by the Madras Government. Now, as a result of this hopeless arrangement, we find that for 12 years, for the period from 1922 to 1934, the Government of Bengal had to show a deficit of about Rs. 10 crores. A part of this deficit had to be met by schemes of taxation and the present Hon'ble Minister in charge of Finance has also threatened this House and also the public at large with inevitable schemes of further taxation. Taxes were levied on amusements, betting, and also increased charges on general and in court-fees stamps. But this injustice could not go on for ever. The Centre had to be sympathetic. The Meston Award was replaced by a better award and for the securing of this award credit is due to the vigorous fight that was carried on by the Government of Sir John Anderson, and as a result of this what happened? Bengal's loan of Rs. 8,41,00,000 to the Centre was wiped out in 1936. In 1935 Bengal was granted 50 *per cent.* of the jute export duty and later it was increased to 62½ *per cent.*—

The Hon'ble Mr. H. S. SUHRAWARDY: All together?

Dr. RADHA KUMUD MOOKERJI: Yes, 50 per cent. was replaced by 62½ *per cent.* which meant an increase of 12½ *per cent.*, and over and above that there was a further concession that out of the proportion of income-tax receipts which the Centre agreed to refund to the provinces 20 *per cent.* should be the share of Bengal, that is 20 *per cent.* of the 50 *per cent.* of the income-tax receipts which were available for distribution by the Centre: these had to come to Bengal. The result is the first budgetary surplus of 1938.

Now, Sir, what is the later financial history? No doubt we have to keep up the quarrel with the Centre. But we must acknowledge that due to the pressure administered by the Government of Bengal of those days, some reparation has been made by Federation to Bengal. But we have certain quarrels still to keep up. The Hon'ble Finance Minister has himself given a hint, but, I am sorry, he has not followed up the hint. Although the Government of Bengal has to accept the account of the income-tax receipts from the Government of India there is no independent means available to the provincial Government for tracing the development of income-tax receipts. Now, Sir, at this point I may say that the income-tax receipts, so far as Bengal is concerned, form a most important item in Bengal's financial position. This was also acknowledged by the Government of Sir John Anderson. Honourable members of this House may know that for the year 1929-30, for which statistics are available to me,—for that year out of the total income-tax receipts of the Centre, Madras paid Rs. 1,41,00,000; Bombay 1 crore 69 lakhs, the United Provinces only 90 lakhs, Punjab only 64 lakhs, but it was to the credit of Bengal to have supplied the Centre with a huge amount of 6 crores 18 lakhs of rupees under the head "Income-tax receipts". Now it will thus appear that of the total received by the Central Government from Income-tax receipts as much as 36·2 *per cent.* comes from the province of Bengal. No doubt other provinces are saying that a portion of these income-tax receipts is derived from business which flows through the Port of Calcutta towards the up-country. Here I quote the words of your predecessors. They say: "Even with a fair weightage, the share of Bengal in income-tax receipts must have been very great as compared with that of other provinces. It is, therefore, desirable that a good part of the income-tax should be available to the Province from the very inception of the new constitution". Now I should like to suggest whether the Government cannot set up an independent committee to go into the whole subject so as to find out what are the real income-tax receipts available to Bengal from Bengal's own industrial business and economic pursuits. That is to say, we should consider the amount of the spending power of the Bengalees as a people and therefore there should be expert investigation into one of the most important sources of provincial revenue. If we are ready with our case against the Centre we are bound to win. My point is that we are given only 20 *per cent.* of the pool of income-tax receipts available for distribution. We should claim that since we have contributed over 36 *per cent.*; we should have a larger portion than a mere 20 *per cent.* of the whole fund for distribution. Of course, we all know that even this provision has been later amended on account of the war situation so that the distribution of income-tax receipts has been further reduced. But that is by the way. Thus, there are still left causes of grievance which the Province of Bengal may legitimately feel against the Centre. I shall

now trace the financial history of the province after it was somewhat rehabilitated and after the blighting effects of the Meston Award were admitted and then remedied.

We find for the first time that in 1935—(when I say 1935 I mean the year 1934-35; for the sake of brevity I am quoting the financial year ending 1935) Bengal had a revenue of 11 crores but showed a deficit of 5 lakhs. The next year 1936 had a revenue of 11 crores 47 lakhs but still had a deficit of 4 lakhs. In 1937 the Red Letter Day of Bengal's finances dawns on the Province. We have a revenue of 12 crores and 14 lakhs and for the first time we have a handsome budgetary surplus of 40 lakhs. 1938 was a still favourable year, a year of prosperity budget. The revenue stood at 13 crores; expenditure at 11 crores 83 lakhs showing a modest surplus of one crore 11 lakhs. For 1939 the budget is balanced. For 1940 we have a revenue of 14 crores 31 lakhs and a surplus of 60 lakhs. Now my point in presenting this financial history is this that there has been an increase of revenue to the province to the tune of 5 crores since 1934. If we exclude one crore on account of Civil Works the net increase must be 4 crores. I wish you to remember this basic fact in an analysis of our financial situation. Since 1934 we have had a substantial addition to our revenues. I am not to discuss the ways and means of securing the addition to our revenues. Some of the ways and means may be questionable, for instance, taxation not fully justifiable. As a matter of fact, Bengal has got an increase of 5 crores of rupees to the provincial revenues. The question is how has the Government utilised this increase of revenues. According to my calculation, since 1934 the nation-building departments have got an increased grant of Rs. 184 lakhs out of a total of 4 crores and the bulk of that increased revenue, namely, 356 lakhs, has been appropriated by departments other than nation-building departments. General administration has gone on increasing its expenditure.

I am now tracing the progressive inroads that the Government of the province has been making upon these additions to revenues. One would have thought that these additions are earmarked for the already starved nation-building departments. But no, the Government is thinking of its own apparatus and machinery and not of the life and needs of the people.

In 1939, General Administration charges were 146 lakhs; in 1941, 164 lakhs. Look at the progressive increase! Now, I give a typical instance of the trend of financial administration from the growth of expenditure on the Police. 1939 showed the Police absorbing 221 lakhs of revenues. In 1940, the expenditure jumped to 228 lakhs; 1941 236 lakhs; 1942,—the budgeted year 238 lakhs. 17 lakhs of increase on Police alone in 4 years!

Now, what are the corresponding figures of the Police budgets of other provinces? I do not know whether this House is going to pass a judgment upon the character of the people of the province by saying that the people are so turbulent and are so given to violation of law and order that for the sake of peace and tranquillity of the realm, the Police budget must go on increasing. Now, for 1939, I may give you a set of most edifying facts and figures culled from the budgets of other provinces. Madras was content with spending 1 crore 60 lakhs, and mind you, Madras, has a very large territorial area; but for law and order their expenditure stood at 1 crore 60 lakhs—as against 2 crores and 20 lakhs in Bengal. Bombay did still better. They are a commercial people and they have not much to do with cases of law-breaking. So, Bombay contented itself with expending on the police only 1 crore 42 lakhs. The United Provinces, a vast territory, bristling with millions of peasantry—some of them communistically-minded,—because the United Provinces is the home of progressive political traditions—but even there, law and order are not allowed an expenditure of more than 1 crore and 64 lakhs; and the Punjab, the land of the military, the soldiery, and therefore even a potential source of trouble, the Punjab also managed her Law and Order with an expenditure of 1 crore and 23 lakhs; that is, short of Bengal's expenditure by about a crore! (The Hon'ble Mr. H. S. SUHRAWARDY: But with a population which is half of Bengal's?) Yes; but Law and Order is contagious, for you need not approach every local area for enforcing law and order. Now, I want to pursue the analysis of these figures further. For 1941 the nation-building departments get a total revenue of 4 crores 50 lakhs out of a total of 15 crores and 37 lakhs; that is to say, the nation-building departments are dismissed with only 26 *per cent.* of the total revenue. Since 1934, as I have said, the nation-building departments have got an increased grant of 184 lakhs, but the budget for 1942—what does it show? It shows a deficit of 134 lakhs—thus only 50 lakhs have been given to the nation-building departments out of the provincial revenue. Sir, this is my whole case and I wish the Hon'ble Finance Minister to find out if I am in error. Government are now showing a deficit of 134 lakhs. We used to take credit for the fact that the nation-building departments had got an increased grant of 184 lakhs since 1934. Now, if you calculate the deficit of 134 lakhs it means that only 50 lakhs have been given to the nation-building departments out of the four or five crores of additional revenue available since 1934, while the balance of 356 crores, (that is, 406 lakhs *minus* 50 lakhs) has been appropriated by other departments.

Sir, my point is this: Supposing you take the year 1933-34. Your total expenditure for this year is shown at 10 crores 81 lakhs and of this, the nation-building departments got 2 crores 67 lakhs. Therefore, the balance for other departments is 8 crores 14 lakhs for 1933-34.

Now, coming to the year 1941-42, budgeted, you will find that against a total expenditure of 10 crores 81 lakhs for 1934, Government are providing a huge expenditure of 15 crores 37 lakhs and dismissing the nation-building departments with a total expenditure of 4 crores 51 lakhs, the balance is 11 crores 86 lakhs. My point, therefore, is that since 1933-34, there have been additions to the provincial revenue to the tune of 4 to 5 crores, 356 lakhs of this additional revenue have been quietly appropriated or misappropriated by the non-essential services of Government. My point is—why should not the standard of administration in 1933-34 remain for non-essential services? In that case, we should have a balance of more than Rs. 2 crores for the nation-building departments in 1942. My point is—this hard-earned money has been frittered away.

Now, Sir, I come to another point in the statement of the Hon'ble Finance Minister——

Mr. PRESIDENT: Order, order. The honourable member has already spoken for half an hour and I shall give him another 10 minutes to finish his speech.

Dr. RADHA KUMUD MOOKERJI: All right, Sir. The Hon'ble Finance Minister states: "The budget provides for expenditure on revenue account in excess of revised for the current year and practically the whole of this increase is shown under the nation-building departments." But is it a fact? My calculation is that it is 7 lakhs and not 52 lakhs. Sir, if I am given more time I can prove to the hilt, by facts and figures, that Rs. 52 lakhs are not spent but only Rs. 7 lakhs for the nation-building departments. You add the plus figures with minus figures in the List of Assignments. Actually, you give a net figure of Rs. 7 lakhs to the nation-building departments, which is the supposed increase to these departments.

Sir, I would next like to have some sort of a running commentary on the statement of the Hon'ble Finance Minister. At page 2 of his statement he says that "the existing staff is inadequate and nothing can be done in the way of launching schemes for the amelioration of the lot of masses of the people because he says the number of officers is inadequate; that the existing staff is inadequate: the administrative machinery is ill-equipped." Now, Sir, that shows the trend of financial thinking on the part of the Government. Government is not at all worried about the schemes of the nation-building departments or about directly reaching the masses for their beneficial schemes, but always put forward the plea of the inadequacy of staff, of officers and of ill-equipped administrative machinery. It is in this way that the whole amount of 5 crores of additional revenues has been frittered away.

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member want that I should reach the masses through the M.L.A.'s and M.L.C.'s?

Dr. RADHA KUMUD MOOKERJI: Government is doing that daily: Government is asking them to go about and get themselves busy in other matters.

Then again, Sir, he says that there are two other measures of taxation—one for the purpose of providing "better communications" and the other "to supplement our general revenues". Mark it, Sir, it is most menacing! One for "better communications" and the other "to supplement our general revenues", so that all the departments may compete for this dole and naturally the nation-building departments will suffer in the distribution.

As regards the last taxation measure, namely, the employment tax, this tax yielded Rs. 7 lakhs in 1939-40 and Rs. 10½ lakhs in 1940-41. Now, Sir, in the revised estimates for 1939-40 whereas they anticipated a deficit of Rs. 14 lakhs they actually found a surplus of Rs. 16 lakhs. So what is the net result of this iniquitous taxation measure? Even now Government can cancel this taxation measure and forego the small sum of Rs. 10 lakhs, because the next year was a surplus year of 60 lakhs. Again that surplus was not accounted for and I cannot understand why that surplus was not anticipated. Again, for the actual surplus of 60 lakhs during the preceding year which was marked by black measures of taxation the Hon'ble the Finance Minister takes credit for the fact that there was improvement on Jute duty of about 22 lakhs and Excise 5 lakhs. May I remind him of the remarks of his predecessors on this subject? One of his predecessors congratulated the Province of Bengal on the fact that Bengalees turned prohibitionists without any compulsory law of prohibition. So the fact is that the increase under "Excise" was due to a larger growth under Country Spirits.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not due to more drinking.

Dr. RADHA KUMUD MOOKERJI: But you say at page 4 of your Budget statement that the increase of 4 lakhs is due to a larger growth under Country Spirits.

The Hon'ble Mr. H. S. SUHRAWARDY: Indeed it is not very clear.

Dr. RADHA KUMUD MOOKERJI: It is very clear to me at least.

Now, there is a drop in revenue under the head "Stamps." The Government must investigate the meaning of this decline in the revenue from stamps. At the same time Government takes credit for

the fact that Public Health shows a nice decrease of expenditure to the tune of six lakhs owing to non-maturity of sewerage schemes. Comment is useless on this kind of fact.

So I have done with my commentary on the Budget and it is very difficult for a member of the Opposition who has no direct knowledge of what is going on behind the scenes and behind the screens to suggest offhand any material alterations in the scheme of the Budget. I only ask him to consider the outstanding fact of the financial history of this province. Why could you not have kept your establishment expenditure on the standards of previous years and when you get a windfall revenue to the tune of 5 crores why should not you have earmarked the whole of that increase directly for the benefit of the people.

Now as regards the people I want to conclude by saying—You have to budget for a population of 50 millions. To be more correct, now you will have to budget for a population of 55 millions if not of 60 millions. You must remember that. And what are these masses doing? About two-thirds of the people of Bengal are living on lands. It has been calculated——

(Here the member reached the extended time limit but was allowed a minute more.)

Now 3 crores of your people are on land and there what are they doing? They have no work for six months in the year. They are starving agriculturists. They cannot fall back on handicrafts which has been destroyed in the course of history. The Department of Industries is not ready with any scheme by which profitable handicrafts may be pursued by the villagers thrown out of work in the off-season of agriculture.

Therefore, I should suggest that if there is no other remedy why not adopt the remedy suggested by Mahatma Gandhi that there should be universal spinning introduced in all the villages and the middle classes and even the upper classes of the society must be made to buy the products of village spinning and village weaving. By that alone you can revive the handicrafts, which it will be possible for the villagers to ply with profit in their cottage homes. So, to start with, spinning and weaving can be organised as first of the handicrafts which can be immediately introduced without any further delay and without any necessity for the useless redtapism and prolonged correspondence and without making constant demands for increasing the staff, machinery, etc.

Begum HAMIDA MOMIN: Sir, in speaking on the Budget I shall confine myself only to such items of expenditure which concern women most.

The Budget shows an increased expenditure of over 14 lakhs under the head "Education." In the list of new schemes involving this increase there are some very encouraging items such as (*i*) additional grant to non-Government Secondary schools for girls, (*ii*) creation of additional seats in the Teachers' Training College for women teachers of aided girls schools, (*iii*) additional grant to-non-Government primary schools for girls in District Board areas and some other small items. Then there is a large sum of 71 thousand rupees budgeted for the Lady Braboourne College for opening B.A. and I.Sc. classes, but some more urgent requirements which fundamentally affect the future progress and development of women's education in this province have not been provided for—no provision has been made for a building for the Sakhawat Memorial Girls High School which is at present housed in a rented building originally constructed for residential purposes. This place is not at all suitable for a school. It is deplorably short of accommodation for school requirements, for hostel accommodation for girls and for necessary teachers' quarters. This defect is retarding its progress in every direction.

When land was being acquired for the Lady Brabourne College, it was understood that this school will also be provided with a building there, but now it is said that the entire area is required for the college itself. Anyway, it is absolutely necessary that this school is housed in a building of its own, well-equipped to carry on its work under more congenial and helpful conditions than at present. May I therefore earnestly request the Hon'ble Education Minister to make necessary provision for a building for this institution so that the work may be started within this year.

Another important item requiring attention has been overlooked, *i.e.*, the Government Muslim Female Training School. Last year, the Education Department agreed that the school attached to this institution will be raised to the M. E. standard in order to make it a feeder school to the training school, but a whole year has passed and nothing has been done, nor any provision made for this project in the Budget. I may mention here that for want of proper M.E. and M.V. schools for Muslim girls in the province, it is difficult to get qualified candidates for the Training Classes. A large number of candidates appear every year for the admission Test Examination of the Training Department, but their education is so much below the standard required to turn out efficient teachers, that the authorities are obliged to refuse admission to many.

Unless these requirements are looked into and facilities provided for at an early date, it will be very difficult to have sufficient number of trained women teachers for employment in the primary schools in the mufassil.

The policy of spending large sums of money on college education, overlooking the needs of primary and secondary education, is unsound.

We find that in the Budget 3 lakhs 55 thousand and 45 lakhs 12 thousand have been provided for direct grants to non-Government primary schools and to local bodies respectively for primary education of boys and girls. We hope, that considering the greater need for advancing the education of girls, the amount to be spent on their education should not be less than that to be spent on boys' education. I suggest that in future the allotment for girls education may be shown separately.

It is very gratifying that a separate allotment under the scheme for Youth Welfare has been placed at the disposal of the Physical Directress—but no details have been given anywhere as to the expenditure that will be incurred under this head. I do hope now that Government has ear-marked a sum of money for the benefit of women and girls' schemes and organisations undertaken purely from this point of view by *bona fide* social service women workers and women's organisations in the towns and districts, will also receive adequate financial support. In Calcutta a large number of women students come in pursuit of their studies where many are grievously stranded for want of suitable residence, etc. Since neither the University nor the colleages take any responsibility in this matter, it is desirable that proper assistance be given to such organisations which undertake to provide suitable hostels, playgrounds, library, etc., purely for the benefit of women students in Calcutta.

In the Medical grant, money provided for opening the remaining beds of the Eden Extension Block of the Medical College will really be a boon to those needing hospital treatment and care. The grant of Rs. 25,619 to the Jiagunj Mission Hospital is given to a well-deserved cause. The improvement of nursing arrangement of the Campbell Hospital is another well-disposed item. But, Sir, there are one or two serious omissions. Now that our people are taking more and more to hospital treatment, almost every one of the medical college group of hospitals is worked at a high pressure throughout the year and consequently the nurses are very much overworked. The old arrangement of the nursing service of the hospital requires careful examination and a substantial increase in the number of nurses should be made for the efficient working of the hospitals.

The next important item is the children's ward. Here there are only 20 beds in all which is anything but sufficient for the present demand for hospital treatment. During my visits to the children's ward, I have often seen sick children accommodated in women's ward for want of space in the children's ward. This is not at all desirable and is harmful both for sick children and the adult patients. It is needless for me to enlarge on the discomforts and disturbance likely to

arise from such an arrangement and I hope that this will not escape the attention of the Hon'ble Minister in charge of this department. The case of the Tollygunge Hospital needs the immediate attention of Government. The Prince Gholam Mohammad Charitable Hospital, as it is called, was donated by Prince Gholam Mohammad and is being mainly maintained out of the interest of the fund gifted by the donor. It has not received any recurring grant from Government so far. Last year Government gave a non-recurring grant of Rs. 4,500 to pay off the debts incurred by the Committee in constructing the maternity and the gynaecological ward. The main hospital building is too old and has been condemned. It will have to be demolished this year. A more modern type hospital building will have to be erected for which Government aid has been applied for and is urgently needed. The hospital requirements of Tollygunge have increased on account of the large increase of population and of traffic. This being the only hospital in the southern suburbs of Calcutta, I earnestly hope that the Hon'ble Minister in charge will consider the urgent need of this hospital favourably and sanction a suitable grant at an early date.

In the Industries Department, quite a large number of new work is shown in the Red book but no provision has been made to revive or reorganise such industries which women can do in their off time. May I suggest that cottage industries such as embroidery, weaving, basket-making and other similar occupations need special help and reorganisation to ameliorate our village conditions. I would suggest that in the districts and subdivisions, centres be selected where qualified women will be supplied with necessary materials and they should bring their finished products to the respective centres and be paid for their labour and Government should try to find a market for articles turned out by them. Arrangements should also be made to train young girls and women in these arts and crafts.

Rai Bahadur MANMATHA NATH BOSE: Mr. President, Sir, I rise to speak a few words by way of suggestion on the Budget presented by the Hon'ble Minister in charge of Finance. Sir, I am aware of the difficulties one has to meet when making a Budget but still there are matters which should not be lost sight of. Sir, it is a "sad commentary on the financial policy" of the present Government that they have brought about deficits in the province's budgets in spite of the favourable start that they got under the Niemeyer Award. Sir, the Hon'ble Finance Minister in the "Statement" which has been made over to us admits that the Province is "starved", but at the same time he has not hesitated to threaten fresh taxation. I believe he is fully aware that the people of this Province are not in a position to pay any more taxes. The rural population has not been able to improve the economic condition and there is practically now no rural credit. The

middle class people who constitute the backbone are in a wretched condition and hardly able to make two ends meet; and, living as I do in the mufassal, I can say with all the emphasis I can command that the people have no tax bearing capacity. If the Hon'ble Minister instead of trying to raise money by fresh taxation had tried to reduce expenditure in various ways, I am sure, he would have earned the blessings of all classes of people of his province. Sir, my regret is that even if we make suggestions for reducing expenditure, they are not listened to.

Sir, before dealing with some of the specific items of allotment and expenditure, I wish to draw the attention of the Government to this important fact, viz., that although since 1933-34, the revenues of Bengal have increased roughly by 5 crores, the major portion of the excess income is being spent on purposes which confer no permanent benefit to the people of the province. Leaving aside for the moment the extra expenditure on Civil Works since 1933-34, it would appear that although our revenue increased by Rs. 406 lakhs since 1933-34 we are spending a very small portion of this excess revenue for the nation-building departments. In 1933-34, when the nation-building departments were not looked upon with so much favour as they are now purported to be, they spent Rs. 267 lakhs on nation-building departments, whereas in 1941-42 we have budgeted for spending Rs. 451 lakhs only. Although our revenue has increased considerably, most of that excess income has been allotted for general administration which as before continues to swallow up the major share of the provincial revenue, although it cannot be said that that excess expenditure on general administration has made for any greater efficiency in the administration.

Sir, I do not propose to take up all the items dealt with in the budget as they will take a good deal of time. I therefore propose to speak on certain items only.

Regarding Civil Works—It would appear that a sum of Rs. 1,68,31,000 has been proposed to be spent on Civil Works during 1941-42. This is an excess of Rs. 17·67 lakhs over the previous year. A glance at the abstract accounts shows that this is mostly due to the provision for office and residential accommodation of the Government officers. Rs. 1,10,920 has been budgeted for providing electric installations in Government buildings mostly in the mufassal. Most of these works were not of an urgent character and could wait. Everybody knows that the price of the building materials, electrical and other goods have gone up many times their normal price, and it would only have been prudent not to take up new civil works at this juncture and the efficiency of the administration would not suffer if these things were made to wait till the present situation improved.

Regarding Public Health—An increase of Rs. 8,85 lakhs only on this vital matter shows that the Government is not awake to the gravity of the situation. The provision of Rs. 10 lakhs for rural water-supply is not at all sufficient. The problem is vast and the needs of the country people who suffer as much from floods as from scarcity of good drinking water has not been appreciated by the Government.

The extra grant of Rs. 1 lakh making a total of Rs. 6 lakhs for free distribution of quinine and Rs. 2·61 lakhs as provision for anti-malarial scheme will neither alleviate the sufferings of the people nor deal with the scourge of malaria effectively, when it is borne in mind that in Bengal in the year 1938, 416,521 persons died of malaria compared to 372,992 in 1937. I have not got the figures for 1939 and 1940 and I trust the position is not worse. The excess provision of Rs. 1,54,926 for reorganisation of Cinchona Department is hardly sufficient. The Government should have made more provision and taken more active steps to encourage the cultivation of cinchona febrifuge so that Bengal may not have to depend on outside world for quinine supplies.

Regarding Famine Relief.—Similarly the provisions for famine relief is most inadequate and is in effect less than what was spent in 1940-41, in view of the fact that distress is found in several districts and shows no sign of abatement.

Regarding Medical—The grants include provision for the creation of a permanent post of an Assistant Surgeon at Darjeeling at a cost of Rs. 1,680. Now there is no dearth of qualified doctors at Darjeeling, which again is visited mostly by rich people and this money could have provided another needy mufassal town with an Assistant Surgeon.

In this conection, I regret to state that the Government recently turned down a proposal for re-posting an Assistant Surgeon at King Edward Hospital at Midnapore. The necessity of having a whole-time Assistant Surgeon for the only hospital at Midnapore can hardly be over-estimated and I trust the Government will forthwith provide the King Edward Hospital at Midnapore with an Assistant Surgeon and thereby remove a long felt grievance.

In the matter of Special Pay and Allowances the Budget shows an increase of Rs. 1,42,000 under "'Civil Secretariat", owing partly to the employment of a larger number of officers on special duty and partly to increased expenditure on the Publicity Department. This is rather vague. There is nothing to show what is the amount of the increase due to the special pay and allowances granted to the Special Officers. Already the Government is spending lakhs of rupees in giving all sorts of allowances, e.g., local, Calcutta house, duty, compensatory, motor-car, to its officers. Instead of taking steps to curtail some of these

allowances which are no longer justifiable, the Government is granting more on "allowances". In this respect the present Government is following the footsteps of its predecessors with even greater zeal.

Regarding Discretionary grants to District Officers for rural welfare —The grants have been increased this year by Rs. 64,000 making the total Rs. 3·36 lakhs.

Now this grant is meant for rural welfare works. I suggest that the Government should direct the District Officers to set up small consultative committees in each district including in the same the M.L.As. and the M.L.Cs. of the district and frame rules for the guidance of such committees and that the money be spent according to the advice of such committees.

As the members of the Legislature mostly come from the mufassil they appreciate the conditions and the needs of the rural areas more than anybody else and I am sure this suggestion would be welcome to all concerned.

As to Industries—I find provision has been made for grants to several weaving schools. The Midnapore Weaving School which is doing good work should be given special financial assistance and placed on a better footing.

Regarding Education—Grants amounting to Rs. 8,19,745 has been provided for various Government and non-Government institutions. This includes a grant of Rs. 67,300 for the Fazlul Huq College at Chakhar, Bakarganj. Besides, a capital grant of Rs. 1,06,000 has been made to the Burdwan Raj College. I however appreciate the grants made to several deserving institutions in the District of Midnapore. In this connection I cannot but draw the attention of the authorities to the condition of the Midnapore College which was once a Government institution. The college was transferred to the Midnapore Municipality, to use the words of a Director of Public Instruction "not as a measure of economy but as a measure promising useful political results" and as the object was not attained the College at the suggestion of the Commissioner of the Burdwan Division was re-transferred to the Government and the District Magistrate of Midnapore took over charge on the basis of an agreement on the 27th March, 1923, on behalf of the Secretary of State for India in Council and since then is managing the College with the help of a governing body. As the governing body has no separate source of income they raised the question of the financial responsibility of the College and the matter being referred to the Legal Remembrancer he held that the College should be treated as a Government College and financed accordingly. Sir, although these facts were admitted by the Hon'ble the Chief Minister in his reply, dated the 21st June, 1939, no steps have however yet been taken to give effect to the opinion of the Legal

Remembrancer. Sir, in August, 1937, a deputation consisting of the representatives of the district including a former Vice-Chancellor of the Calcutta University waited on the Hon'ble the Chief Minister and acquainted him with the needs of this College. But nothing tangible so far has yet been done and the College continues to have a precarious existence. I trust that the Hon'ble the Minister in charge of Education will try to fulfil his promise he gave on the floor of this House and pay a visit to the College and make necessary arrangements for making the College a Government institution and placing it on a sound financial footing.

Sir, I shall now speak about some of the problems which affect the districts of Bankura and Midnapore which I have the honour to represent and which I find have not at all been considered.

First of all there is the problem of the lepers in these two districts. I find no special provision has been made for the relief of the lepers who abound in these two districts. According to the Director of Public Health, the districts of Bankura and Midnapore are the two most affected districts in Bengal. The District Board of Midnapore drew up a scheme for a colony of one thousand lepers at a capital cost of Rs. 52,500 and a recurring cost of Rs. 14,000 only and the said District Board provided for the entire capital cost and half the recurring cost in their budget, and asked for a free gift of 740 acres of land and a recurring grant of Rs. 7,000 only for a District Leper Home pending the establishment of a Provincial Leper Home by the Government. But unfortunately the Government has not come to any decision regarding the recurring grant and the matter is still pending consideration. This is a terrible scourge affecting these two districts and unless the Government spends more money and gives greater attention to check this evil, it will spread to other districts of West Bengal and will be a serious menace to the health and welfare of the people.

Secondly, I wish to draw the attention of the Government to the necessity for maintaining better communication between these two districts, namely, Bankura and Midnapore. The people are poor and the District Boards have not sufficient income to spend over roads and for constructing bridges that are necessary for connecting these two districts. This is a long-felt grievance and I hope and trust the Minister in charge of Communications and Works will be pleased to take note of this.

While on this subject, I have another suggestion to make, viz., that effective steps should be taken for the development of Digha in Contai subdivision in the district of Midnapore, as a seaside resort for Bengal. The place is healthy and the scenery is charming. The Government should consider the matter in the meantime, and as soon as normal

conditions return, steps should be taken for the completion of the projected main road from Contai Road to Digha, a distance of 55 miles of which 45 miles are already metalled, and the acquisition of land on the sea beach should be started. The development of Digha as a health resort will confer a permanent benefit to the province.

I cannot conclude, Sir, without reference to the question of middle class unemployment which has been a source of considerable anxiety to all people who love the land. I hope, Sir, the Government will bring forward some concrete proposal at an early date to meet the situation.

I have made certain observations, Sir, but not in a fault-finding spirit, and I hope that the Hon'ble the Finance Minister and the other Hon'ble Ministers concerned will kindly consider them in the spirit in which they have been made.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. President, Sir, the budget which the Hon'ble Finance Minister placed before us the other day is disappointing from more than one standpoint. In the first place, it is definitely and emphatically a deficit budget. While the estimated expenditure has been placed at 15 crores and 37 lakhs, the estimated income from the existing sources is not likely to exceed 14 crores and 3 lakhs. In other words, the budget has provided for the huge deficit of 1 crore 54 lakhs which, combined with a deficit in the Capital and Debt Deposit Section, is expected to mount up to 1 crore 59 lakhs. The closing balance will be on this account only rupees 33 lakhs. It is true, Sir, that two taxation Bills have already been introduced by the Hon'ble Minister, by means of which he expects to raise a sufficient sum to make good the deficit the budget involves. But on the admission of the Hon'ble Minister himself, we need not be too sure about the fate of the two Bills which are now being considered by the Lower House of this Legislature. It is not the occasion when I should say anything about the character of the two taxation Bills to which I have referred. But, Sir, it appears to me almost certain that without drastic amendments these Bills, as originally conceived, will have little chance of being adopted. In view of this it does not seem very satisfactory that the budget should draw upon so drastically from the opening balance.

Not long ago the Government of Bengal had to be satisfied with a budget of only 10 crores of rupees. At that time all that the Government could do was to live from hand to mouth and could not possibly think of making any organized plan of improving the condition of things in this province. To-day the estimated expenditure amounts to nearly 15½ crores, in other words, more than 50 per cent. of what Bengal was content with 5 years back. In these circumstances we would expect that the expenditure of the Government should be regulated according to a definite and comprehensive plan. But, Sir,

while all the world over Governments are being conducted on the basis of planned economy, the Bengal Ministry is still content with expenditure in a slipshod and haphazard fashion.

The only fields in which some planning may appear to have been resorted to, are those of primary education and jute restriction. But in these fields also the planning is more apparent than real. The Primary Education Act of 1930 was a measure to which the sensible public opinion of this province has never been reconciled. It is in fact a measure which was not only passed in the teeth of persistent opposition on the part of the general public, but which caused the resignation of an able and conscientious Minister of the Government. This Act was in abeyance for some years. But for some time past it has been worked in some of the districts, not so much the progress of education among young children, but really to its detriment. No public body is more obsessed with communal bias than a district school board as it has been worked in eastern districts of this province. The establishment of these Boards and the spending of public money on them instead of resulting in an improvement of elementary education in our countryside, will only result in undermining it still more. The reports that we are already receiving regarding the appointment, posting and transfer of elementary school teachers and the selection of text books are staggering.

As for the Government policy regarding secondary education, I refrain, Sir, from making any observation now. We are certain to have an opportunity of discussing it thread-bare in the near future. But I should utilise this occasion to speak a few words about the Government policy regarding collegiate education in this province. I do not grudge the capital grant of 67 thousand to the Fazlul Huq College. Nor do I grudge the grant of 1½ lakhs for the additional Muslim Hall at the Dacca University. But, Sir, what I do emphasise is that the Government should consider in a comprehensive manner the needs of collegiate education in the province as a whole and distribute its grants for the advantage of all. At present while hostels are being built lavishly for Muslim students, the Hindu students are being neglected in many areas. In Chittagong, for instance, the Hindu students have to shift for themselves as best as they can. As regards colleges also, those which can do the lobbying better are favoured with grants, ordinary and extraordinary, but those which are backward in this respect are kept in the cold share of neglect, though their needs may be as great or greater still. In fact, Sir, if the province is to maintain its education progress, the principle of *laissez faire* which has been in vogue so long in the field of collegiate education will have to be benevolently controlled. To this end it is necessary that a competent committee of educationists should be set up to look into the existing position and recommend a definite policy for the Government to adopt.

I have, Sir already mentioned that Jute restriction represents another item of planned economy in this province. Here also, however, the planning has not only been in complete, but has ben vitiated by short-sightedness of an inexcusable character. I do believe, Sir, that the principle of restriction as it has been adopted is essential if the jute market in Bengal is to look up at all. But in the first place, Sir, it has not been decided as to what the cultivators will do with the land which will be released from jute as a result of the adoption of the scheme of restriction. So far as I know it is still a matter of speculation if the land so released can be utilised for the cultivation of either sugar-cane or cotton or any other commodity. If the land released was only of a small quantity, the speculation might have been continued at an indefinite length. But when much more than half the land so far absorbed by jute is being released from it, the speculation should at once result in a decision. Secondly, Sir, the reports that we are receiving regarding the working of the jute restriction scheme in the different parts of this, province are not at all very honourable to the administration. To carry out the scheme of jute restriction in a strictly honest straightforward and impartial manner requires an attention on the part of Government and higher administration which, I am sorry to say, has not been so far paid. Thirdly, I should also point out with regard to jute restriction that the Government of Bengal have not attached as much importance to proper collaboration with other jute growing provinces as it should have done. The result is that while by our policy of restriction we have imposed an incalculable amount of sacrifice on the peasants of Bengal, jute is being produced on an increasing scale by the people of the neighbouring provinces. I believe it is matter which requires serious attention on the part of the Ministry.

While, Sir, in regard to education and jute cultivation, the little planning that has been done so far is incomplete and inequitable in regard to other important departments of public administration in this province the old slip-shod policy still remains fully and absolutely enthroned. The Department of Industries for instance has been run so far in the old haphazard manner. The Hon'ble Minister has complained that the *per capita* income of Bengal is the lowest among the major provinces of India. But, Sir, he certainly knows that without proper industrial development this income cannot be increased in the least. I know, Sir, that a committee known as the Industrial Survey Committee has been at work in this province for nearly two years. We do not know yet when its report will be published nor do we know when effect will be given to the recommendations of the Committee. Meanwhile our policy has been the policy of drift. I am glad that the budget provides for a grant in aid of 20,000 rupees to the Industrial section of the Institution of Rural Reconstruction under the Viswabharati at Bolepur, and also a grant of 29,000 rupees for extension of the Silk Technological

Institute at Berhampur. I am also glad that for the marketing of cottage industry products four sale and supply depots will be established at different centres and to this end the budget has provided for a working capital of Rs. 50,000 for each depot. I should, however, point out that all that the Budget provides touches only the fringe of the problem of industrial regeneration of the province. The cottage industries, particularly hand-weaving industry in Bengal, has been seriously handicapped by what is known as the *dadan* system. If it is to be delivered from this handicap and placed on a sound financial footing it is essential that the Co-operative Department of the Government should more co-operate with the Department of Industries, than it has done so far. I have mentioned only one instance requiring a more constructive attention on the part of the Government. In fact, Sir, in every aspect of the cottage industries of this province the Government should work more earnestly and more according to a plan than hitherto. It is not enough that the Budget provides for four sale and supply depots and a grant-in-aid to a few industrial institutions.

The Hon'ble Minister has referred to the Irrigation work in this province in a paragraph of his statement, which requires due attention from us. There is no gainsaying the fact that if any department now demands earnest attention from the Government and if any department requires proper planning it is certainly the Department of Irrigation. The rivers canals and in fact all the channels carrying water have become silted up in this province to the detriment of our public health and agriculture. Unless something drastic is done according to a well-formulated plan in this respect, there is every risk that the province will soon become a condemned area in the country. The Hon'ble Minister has budgeted for 20,000, which will be the first instalment of grant to be paid to an Institute for River Research to be established in Bengal. It is good, Sir, that such an institute for which there is so much need is going to be set up in this province. For the last few years eminent scientists have demanded the creation of such a body. Better late than never and it is good that the Government of Bengal has at last seen the necessity of establishing this institution. But, Sir, while we welcome the establishment of this body, we should join issue with the Hon'ble Minister when he says that "Organisation of a well-equipped Institute on these lines is essential before large scale irrigation projects can be undertaken with any hope of success". The Punjab, the United Provinces and some other parts of India have arranged for well-planned irrigation facilities before any institute of this character could be thought of in India. So I protest against the impression which the Hon'ble Minister wants to convey to us that simply because there has not been such an institute in Bengal proper irrigation projects could not be made in this province. Of course, Sir,

I do not blame the Government of Bengal entirely for the existing condition of rivers and canals in this province. It was largely by the help of the Government of India that irrigation work was done in the other provinces. So if we are confronted today with a deplorable situation, for that the responsibility attaches as much to the Government of India as to the provincial Government. What, however, I object to especially in the provincial Government is the complacent manner in which it has worked during the last few years. At least since the inauguration of Provincial Autonomy our Government should have been more up and doing in regard to irrigation facilities. It should have brought home to the Government of India the actual gravity of the condition in Bengal and demanded a handsome grant from the Indian exchequer.

I am glad, Sir, that some money has been provided for drainage work in the districts of Dacca, Khulna and 24-Parganas. But I notice with regret that no such arrangement has been made for the excavation of the River Brahmaputra which passes through the heart of the district of Mymensingh and whose silting up has resulted in the outbreak of malaria and in the deterioration of agriculture.

(At this stage, the Deputy President took the Chair, the Hon'ble President having left.)

As regards Public Health, the Budget provides, as the Hon'ble Finance Minister emphasises, for an increase of 9 lakhs but, Sir, the situation in regard to Public Health in this province is actually so grave that some reforms here and there will be of little value. It is necessary to chalk out a really comprehensive plan if our countryside is to be made immune from the diseases which are corroding it. In this connection, Sir, I should like to refer to schemes which the Director of Public Health has formulated in a document made for official use, but which he thought it right to circulate among the delegates who attended the recent Provincial Medical Conference at Khulna. I would not, Sir, refer to other aspects of the scheme at the present time but I would certainly refer to a provision in that scheme for the provincialisation of the posts of Public Health Officers working under the local bodies. According to the scheme from the village sanitation workers to the Health Officers of the District Boards there will be quite an army of such officers. But although they will work under the District Boards and other local bodies, they will be required to be servants of the Provincial Government whose control over them will be as absolute as in respect of its other officers. I should point out, Sir, if this aspect of the scheme finds approval of the Government it will be not only the undoing of autonomy for the local bodies, but it will also place in the hands of the Government an excellent instrument for controlling local and provincial elections. The scheme to this extent at least is absolutely vitiated.

Before, Sir, I conclude this speech I should refer to certain actions on the part of the Government, as pointed out by the Hon'ble Finance Minister in his statement. In the first place we find that several lakhs of rupees were spent in 1940-41 although they had not been budgeted for. Secondly, we find that although a certain amount of money has been budgeted for, it could not be spent for lack of proper schemes. For instance, we find that in anticipation of the sanction of the Assembly the Education Department was authorized by the Government to spend 8 lakhs in respect of District School Boards. Secondly, we find another 60 lakhs were similarly spent in anticipation of the sanction of the Assembly for distribution as Crop Loans. The Government of Bengal should have been sufficiently far-sighted last year about this time that these sums would be required to be spent under the two heads, and should have budgeted for them accordingly. It is a bad principle that money should be spent by the Government in anticipation of the sanction of the Legislature. Again, just as money was spent although it was not provided for in the Budget, so in regard to some other items we find that although money had been budgeted for it could not be spent during the current year. In respect of Public Health, for instance, simply because the schemes for sewerage, water-supply and anti-malaria could not mature, 6 lakhs of rupees under this head could not be spent. This shows the futility of providing money without the formulation of proper schemes.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, the Hon'ble the Finance Minister has described the Budget as a deficit budget. But on reference to the statement given as an Appendix to his Budget statement, it appears that although if we consider only the Revenue Receipts and Receipts from Debt, Deposits, etc., as against Revenue Expenditure and Expenditure on Debt, Deposits, etc., there is a deficit of Rs. 1,59,67,000, the Budget on the whole cannot be described as a Deficit Budget, as after making provision for all kinds of expenditure including additional expenditure to the aggregate amount of Rs. 77·44 lakhs there is still a closing balance of Rs. 32·91 lakhs. If the minimum closing balance is 40 lakhs, there is at best a deficit of some 7 lakhs only which can be avoided if instead 77·44 lakhs only 70 lakhs be spent as additional amount for Nation-Building Departments. The Hon'ble the Finance Minister probably refers to the deficit in order to justify the impending taxation Bills which are now on the Legislative anvil. I think, Sir, no justification is necessary for taxation measures, for the purpose of taxation is the amelioration of the miserable condition on our countrymen.

Sir, I am not one of those who think that there should be no taxation unless there be deficit or unless there be absolute necessity for meeting the actual necessaries of administration; I am of opinion, Sir,

that these taxation measures are rather belated. We should have resorted to taxation measures in the very first year of autonomous Government in order to make provision for Nation-Building Departments and in order to build up the nation as a Nation.

Sir, we are a people of 50 millions, 50 per cent. of whom are now living on half-starvation diet and suffering from disease and various other maladies. If we are really to combat disease and poverty and illiteracy, we must find money for it. Sir, if an independent country were faced with war, they would not grudge taxing themselves to their utmost for fighting their enemies but we in Bengal have got our internal war to fight. Illiteracy and poverty are our worst enemies and in order to fight them we must be properly equipped. Stirring speeches and fiery orations merely will not do. We must find money for equipping ourselves properly. So on this basis, I would support taxation measures. But we must be careful about two things in imposing taxation. The first thing is that taxation should be such that it does not touch the poor in any way, because our real object is to help the poor and if in going to do so we impose further taxation on the poor, we will be contradicting ourselves.

Our poor men are not in the same position as to bear comparison with the poor men of the European countries or other advanced countries. Sir, there the poor are properly looked after. They have got their poor houses, they have got their labour houses, they have got unemployment allowance, and they have got unemployment insurance contribution from Government. All these things they have got. So, in their case the poor are not touched at all by any taxation, whereas in our country the poor will be touched unless we take precaution to make our taxation such that it may not affect them at all, especially when we have nothing in our contemplation such as establishment of poor houses or establishment of institutions for giving unemployment allowances and so on. The next thing we must look to is that the money we are securing by taxation is spent on primary objects on which the very existence of the nation depends and not on minor objects. I say, Sir, that the greatest enemy of the country is poverty. We must first fight with poverty before anything else. Unless we can increase the income of our people, no real benefit will accrue if we only make some additional allotment to this and that nation-building department. All these moneys will be like palliatives merely, they will not really cure the disease from which we are suffering and which is the real cause of all our troubles.

So, Sir, I say that we should set apart a major portion of the money we are expected to get from taxation for the development of our agriculture and industries which alone can give us wealth and increase the income of our masses. Sir, our popular Ministry has already shown commendable imagination, determination and courage in restricting

the cultivation of jute for the benefit of the agriculturists. For the first time, Sir, they have gone out of the beaten track. They have shown that they could do something original. But at the same time, I must say that they could avoid the unfortunate error they committed by not giving effect to the amending Act for the correction of mistakes and omissions which have caused hardships to thousands of people in jute-growing areas. In any case, they have shown determination and courage; if they are inspired with the same determination and courage to develop the agriculture and the industries of the country, I think in the near future prosperity and happiness will reign in Bengal.

Sir, I say again that unless the income of the masses is increased, merely giving doles for primary education will be of little use to the people; for 90 per cent. of the masses whose children will go to primary schools will go back and relapse into illiteracy if their guardians cannot provide money for further education. The masses will be able to maintain the atmosphere of literacy only if their income is increased.

The Hon'ble Mr. H. S. SUHRAWARDY: Who will do the plough?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They will do the plough and illiteracy will be removed by the establishment of libraries, by cirtulation of free newspapers and all such things. For all these things the guardians shall have to pay; otherwise the money spent on free primary education would be wasted away and these people or at least 90 per cent. of them would relapse into illiteracy. In that case, the huge expenditure of 3 crores 50 lakhs which we propose to spend on primary education will be entirely a waste of money.

Then, I think much of the money now expended under the head "Medicine and Public Health" could be saved if we could increase the income of the masses so that they might have nutritious food. Because the poor people in the villages cannot get proper food, that is why they cannot resist the diseases and the charges for medical treatment are so large. But if you can give them nutritious food, much of this expenditure could be reduced to a great extent and the charges for "Medical and Public Health", will decrease. So, it will be seen that the root cause of their trouble is poverty. Therefore, the problem of poverty should be attacked whole-heartedly and not half-heartedly. Do not rest content with restricting the production of jute only, but you should also take the development of agriculture and industries as a whole into your consideration.

Now I shall come to the individual items in the Budget, about which I have got something to say. Some of my friends have already spoken about the huge additional amounts provided under the head "Civil Works"; so I need not repeat. As regards Education, Public Health and Water-Supply, I find that large additional amounts have been set apart for these purposes, but I do not know if that has been done in pursuance of any definite policy. What we want is that there should

be a definite policy about finance, a cut and dried policy, and in pursuance of that policy we should go on increasing our expenditure on these items, from year to year. For example, under the head "Primary Education", we find that this year a sum of 45 lakhs has been provided, as against an aggregate of 3 crores 50 lakhs, which according to the Primary Education Committee will be ultimately required. But we do not know if, with this 45 lakhs we shall be able to cover even one-fifth or one-sixth of Bengal. We do not also know whether we can be sure that this 45 lakhs will be gradually extended to 350 lakhs, and we have not even got any information as to whether this sum is going to be increased gradually. Similarly, with regard to water-supply schemes, we know that statistics were taken throughout the province for the purpose of preparing schemes for water-supply and this year we have been given 10 lakhs for this purpose. But we do not know whether this provision has been made also in pursuance of any scheme which has matured. My point is, Sir, that whatever we do in this direction, we should do after preparing a cut and dried scheme with a definite provision of money to be spent for that purpose and we should not follow merely a policy of drift. Coming now to the head "Medical", I find that for the Tibbia Habibia College, Dacca, 6 new scholarships have been established. We have also seen that a Council for Unani education has been established, but even now there cannot be found anywhere in Bengal a really efficiently-run Unani college. I think such a Unani college is a real necessity and we should have one such college run by Government on the lines of those run in Lucknow and Delhi. This will give also some professional training to the Maulvis now coming out of the old scheme Madrassahs.

Then, Sir, my friend Rai Bahadur Manmatha Nath Bose has already said about the allotment made for the treatment of leprosy. I find from the Budget that only Rs. 10,000 has been allotted for this as against Rs. 30,000 last year. I do not know why this amount has been decreased instead of increasing. Leprosy is becoming a menace to this country and it is such a terrible disease that Government should encourage all the municipalities of the province by granting liberal aid so that the lepers are properly treated and segregated.

It is gratifying to see that the distribution of quinine has been increased by 25 *per cent*. But although it is quite good, it should have been more increased in view of the ravages of malaria in the mufassil. Hitherto malaria was practically unknown in the Eastern Bengal, but now malaria appears there in epidemic form and carries away thouasnds of men, women and children. So the provision should have been at least 50 *per cent*. more than last year, especially when the Government have made a clear profit of Rs. 13 lakhs under the head "Cinchona". Government can increase the area under cultivation of cinchona in order to increase the amount of free distribution of quinine. There is another thing about the distribution of quinine which affects the

different districts. In reply to a question of mine it was elicited that quinine was distributed according to the amount spent by each District Board on quinine. The result is that those districts of which the District Boards would neglect to do their duty and would not purchase a sufficient quantity of quinine would get less quinine from Government and thus the malaria-stricken people will suffer if the policy of Government is to give grant according to the amount of contribution made by each District Board. This policy cannot be justified. Government should not be indifferent in the matter: they should force the District Boards to do their duty. The principle for contribution towards the treatment of kala-azar is that the contribution is made according to the number of patients; this principle should be followed in the case of malaria also.

Under the head "Agriculture", most of the money is taken away by the jute restriction work: the amount that remains for agriculture proper is very insignificant. As agriculture is the life-blood of the province, it should be treated more sympathetically and we should have arrangements for the distribution of seeds and manures at cost price more extensively.

As regards the Co-operative Department, it is found that Rs. 88,000 more has been allotted for the supervision and collection of crop loans given to the members of the society through the co-operative societies. We have seen only this morning from a reply to a question of mine that Government could give out Rs. 56 lakhs as agricultural loan in one year without spending a single pice, whereas we have to pay an additional amount of Rs. 88,000 to the Co-operative Department for such distribution. Besides that, the agriculturists will get the loan through the co-operative society at an interest of 9 *per cent.*, whereas Government loans given through the Collector bear an interest of 6¼ *per cent.* There is another disadvantage in that the members of the co-operative societies alone are entitled to such crop loans and it is not unoften that they have to suffer from the tyranny of the office-bearers of such societies. There is also the fact that co-operative societies have become very unpopular and the public do not dare to become members of the society. I hope the Hon'ble Minister should keep in mind all these facts. I think sufficient provision should be made for the distribution of agricultural loans on a more liberal basis even for ordinary agricultural operations through the officers of the Co-operative Department but not through the societies as now constituted and through hierarchy of other banks, *e.g.*, Provincial Bank, Central Banks and then through the societies and thereby increasing the rate of interest.

Sir, I now come to the next head. I notice from that head "Miscellaneous" that 8 lakhs has been provided for giving financial relief to low-paid Government servants who would be affected by a substantial rise in the cost of living caused by the rise in the price of rice.

Sir, this is all right so far as it goes. But at the same time I ask—should we not consider the case of the vast and poor agriculturist population and the labouring classes who have been hard hit by the rise in prices. Particularly owing to the restriction of jute, they are not getting employment and they will not get any employment for the next two months and again during the months of Aswin and Kartick.

Sir, what is the income of these poor agriculturists and labourers as compared with that of even the meanest of menials in Government service? The lowest of menials in Government service draws at least Rs. 13 per month which means Rs. 156 a year and, if we take 5 as the number of members in a family, it works out at Rs. 31 per head per year, whereas the income of the poor agriculturist and the daily labourer is far less. What is the difference? The difference is that a day labourer ordinarily gets 4 annas a day and even if he gets employment every day, his monthly income will be only Rs. 7-8, whereas as a matter of fact, he has on an average to sit idle without any work for over 4 months in the year. So his average income is Rs. 5 per month and if he has 5 members in the family, the average works out at Re. 1 per head per month, or, Rs. 12 per head per year. If even the lowest menials in Government service get an income which is nearly 3 times that of a poor agriculturist or a day labourer, should we not to do something for giving relief to those agriculturists and labourers in view of the fact that the price of paddy has risen high and also in view of the fact that they are not getting employment in the jute-growing areas where hitherto, *i.e.*, before the operation of this jute restriction regulation scheme, they used to earn substantially as wages. I think that relief in their case is absolutely necessary and that in order to meet the situation Government should come forward with a scheme of emergency cut in the pay of Government officers above the pay of Rs. 100 including the Ministers and the members of the Legislature who should, I think, voluntarily surrender 25 per cent. of their pay for relief of these poor labourers and agriculturists in the muffassil. Sir, I think, this is absolutely necessary, as it should be proved that we really feel for the poor masses who are hard hit not only by the rise of prices but also by unemployment consequent on the restriction of jute cultivation. If we do not do anything for them we will be charged, I think, with inhumanity, if not anything else.

With these words, Sir, I conclude my speech.

Mr. DEPUTY PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m., to-morrow.

Adjourn.....

The Council then adjourned till 2-15 p.m. on Wednesday, the 26th February, 1941.

Members absent.

The following members were absent from the meeting held on the 25th February, 1941:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Hamidul Huq Chowdhury.
(4) Khan Bahadur Rezzaqul Haider Chowdhury.
(5) Mr. Narendra Chandra Datta.
(6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(7) Mr. Mohamed Hossain.
(8) Khan Bahadur Syed Muhammad Ghaziul Huq.
(9) Alhaj Khan Bahadur Shaikh Muhammad Jan.
(10) Khan Bahadur M. Abdul Karim.
(11) Khan Bahadur Muhammad Asaf Khan.
(12) Maulana Muhammad Akram Khan.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Dr. Kasiruddin Talukdar.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 26th February, 1941, at 2-15 p.m., being the seventh day of the First Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President, (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Outstanding Questions from previous Session and Replies thereto.

Classification of prisoners.

41. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Humayun Kabir): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the principle followed by Government in classifying prisoners into divisions I, II and III respectively;

(b) whether the economic condition or status or education of the prisoners is considered in determining classification;

(c) if the answer to part (b) be in the affirmative, on which of these grounds have the four European prisoners now in the Alipur Central Jail been classified as division II prisoners;

(d) if it is a fact that non-Indian prisoners, irrespective of their status, economic condition or education, are always classified as division I or division II prisoners;

(e) if there is any racial or colour discrimination in the classification of prisoners; and

(f) if the answer to part (e) be in the affirmative, whether he proposes to take steps to abolish such discrimination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department): (a) and (b) The honourable member is referred to the provisions in rule 617 of the Bengal Jail Code, Volume I, Seventh Edition, a copy of which is on the Library table.

(c) There are 9 European prisoners at present confined in the Alipore Central Jail. It is not known to which four the honourable member refers.

(d) and (e) The classification rules do not take into account the race or nationality of a prisoner but are based on his education, social status and habit of life.

(f) Does not arise.

Persons convicted in connection with the Madaripur Congress Workers' Conference.

42. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) the names of the persons convicted in connection with the holding of the Madaripur Congress Workers' Conference this year;

(b) the charges on which they were brought to trial;

(c) the sentences awarded to them;

(d) whether any of them have been convicted of any offence before this occasion; if so, when and on what charge;

(e) the period during which they were kept as under-trial prisoners; and

(f) the period to which persons convicted of similar offence in Calcutta have been sentenced?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): A statement is laid on the Library table. I am not prepared to supply the honourable member with the names of those arrested, as I do not consider that in the public interest the names of these individuals should be divulged.

Education of village chowkidars and constables.

43. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state if any measures have been taken by Government of Bengal to make village chowkidars and constables literate? If so, what are they? If not, why not?

(b) Do the Government propose to issue any circular with order asking all chowkidars and constables who are illiterate to learn how to read and write within certain fixed period? If not, why not?

(*c*) What is the total number of illiterate chowkidars and constables in Bengal?

(*d*) Do the Government propose to draw up any scheme for making the chowkidars and constables literate within certain time? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) All constables are literate. No action has been taken to make chowkidars literate as any such action would be administratively difficult and financially expensive.

(*b*) and (*d*) No: for the reason given under (*a*) above.

(*c*) I have no information.

Performance of Kali Puja on the ground of the Police Club of Rangpur.

44. Khan Bahadur M. ASAF KHAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if Kali Puja was performed in the early part of the month of November on the Police Club grounds, at Rangpur Sadar station, close to Kotwali police-station, for the first time?

(*b*) Are there Moslem members in the said Police Club?

(*c*) Was the performance of the *puja* objected to by any one of them?

(*d*) Under whose permission was the said *puja* held?

(*e*) Are the Government prepared to allow the Moslem members of the said Club to perform their own religious rites, including *korbani*, on the same Police Club grounds?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) No.

(*d*) Under the permission of the Superintendent of Police.

(*e*) No difference is made between the Hindus and Moslems, but permission in each case would depend on the religious rite to be performed.

Persons convicted under the Defence of India Act.

45. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many persons have been taken into custody, detained, imprisoned or convicted so far from each of the districts in Bengal under the operation of the

Defence of India Act? Will the Hon'ble Minister be pleased to show the number, district by district? Of them, how many are Moslems and how many non-Moslems and how many are members of the Legislature?

(b) Besides those taken under the Defence of India Act, how many others have been served with notices of restraint in Bengal? Of them, how many are made to attend the thana? Of the persons so restrained, how many are females?

(c) Are the internees under the Defence of India Act allowed any allowance for themselves or for their families? If not, will the Hon'ble Minister be pleased to state the reasons for not allowing them any maintenance allowance?

(d) Has any restraint order been passed on any member of the Khaksar organisation in Bengal or has any one of them been detained, imprisoned or convicted in Bengal? If so, what is the total number of such restrainees or internees among the Khaksars in Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) and (b) Complete information is not readily available and to compile it would entail an expenditure of time, labour and money which I am not prepared to undertake. Information to hand is, however, included in a statement placed on the Library table.

(c) Persons under restriction are not excluded from the operation of Government's policy which is to grant allowances in cases which comply with certain conditions.

(d) Two persons in Chittagong, on whom restraint orders were passed for activities not in pursuance of the Khaksar organisation, are understood to be connected with that movement.

Participation of Government officers in the elections to District Boards, Union Boards and Municipalities, etc.

46. Mr. SHRISH CHANDRA CHAKRAVERTI: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that under the Government Servants' Conduct Rules no Government officers are entitled to take any part in the election of District Boards, Union Boards and Municipalities, etc.?

(b) Is it a fact that the Subdivisional Officer of Narail, district Jessore, has been taking active part and actually canvassing in favour of some candidates for the Presidentships of the Narail subdivision Union Boards?

(c) If the reply to paragraphs (a) and (b) be in the affirmative, will the Hon'ble Minister be pleased to state what action the Government propose to take against the said Subdivisional Officer?

(*d*) Is it a fact that voters are being terrorised by the police at the instigation of the said Subdivisional Officer, and is it a fact that he has special interest in this election, and is it also a fact that the police never interfered with the past election? If so, what is the reason?

(*e*) Is it not a fact that four batches of Military Police have been specially brought from the Headquarters (Jessore) to Narail for the first time on the occasion of this election?

(*f*) Is it a fact that for the first time election of Presidents could not be held in many Union Boards?

(*g*) Will the Hon'ble Minister be pleased to state how many Union Board elections and President Elections have been postponed or failed this year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) No. So far as the police are concerned they never "interfered"; they were requisitioned on the occasion of previous elections.

(*e*) and (*f*) No.

(*g*) One Union Board election and five Presidential elections.

Realisation of money for the War Fund in the district of Barisal.

47. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if money for the purposes of the War Fund is being realised from persons in the district of Barisal by the local authorities? If so, will he be pleased to state the total amount so far realised from the district?

(*b*) Will he be pleased to state the respective amounts realised from the people of the Sadar subdivision and the subdivision of Bhola and also to state the names of individual persons of the subdivision of Bhola from whom money have been so realised for the said purpose up to now?

(*c*) Will he be pleased to state if vouchers or receipts are being granted to donors for the respective amounts paid by each? If not, will he be pleased to state the reasons therefor?

(*d*) Is it a fact that the Magistrates of these two subdivisions have realised and are realising money from parties in criminal cases presenting themselves before their respective courts? If so, will he be pleased to state the names of such parties from whom money have been so realised?

(*e*) Are the Government aware that money is being realised from persons in different localities within the two subdivisions of district

Barisal through official pressure? If not, does he propose to enquire into the matter? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, over Rs. 60,000 have been realised so far.

(*b*) Rs.10,751 from the Sadar subdivision. Rs.26,250 from the Bhola subdivision. It is not possible to state the names of the individual persons of the Bhola subdivision who have subscribed.

(*c*) Receipts are being granted.

(*d*) No.

(*e*) No official pressure is being applied and all officers have been warned against any action that might be misconstrued.

No enquiry is necessary.

Arrest of Mr. Shib Nath Banerjea, M.L.A.

48. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that Mr. Shib Nath Banerjea, M.L.A., who was waiting for a bus was arrested on the 8th December, 1940, after nightfall near Tollygunge thana by a Sub-Inspector of Police and taken to the thana and detained there till 11 p.m. that night;

(*b*) why he was detained in the thana and what is the charge against him;

(*c*) whether Mr. Shib Nath Banerjea wanted to know why he was arrested;

(*d*) if so, whether it is a fact that he was not informed of any charge or of any offence except being told that he was an absconding culprit; and

(*e*) whether Government propose to take steps so that the members of the Legislatures may not be in future unnecessarily molested by the police?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): Enquiries have been made and I am satisfied that the incident was due to a mistake of identity. The facts are as follows:—

At about 10-30 p.m. on the night of the incident the Sub-Inspector concerned met Mr. Shib Nath Banerjea in the street and thinking that he was an absconder wanted by the police asked Mr. Banerjea his

name which the latter refused to give although the Sub-Inspector introduced himself as a police officer. Mr. Banerjea was then asked to accompany the police officer to the Tollygunge police-station which was close by. An Intelligence Branch Inspector was called who immediately hurried to the police-station and found that Mr. Banerjea was not the absconder required. Apologies were immediately tendered and subsequently Mr. Banerjea disclosed his identity when apologies were renewed.

As I am satisfied that the mistake was a *bona fide* one, I do not consider that any action is necessary in the matter.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the form, the physique, the age and the appearance of the absconder was like that of Mr. Shibnath Banerjee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Evidently it was, Sir, otherwise there would have been no question of mistaken identity.

Mr. LALIT CHANDRA DAS: I do not want any argument. Did he enquire and ascertain that the form, the physique, the age and the appearance was like that of Mr. Shibnath Banerjee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are satisfied that it was a case of *bonâ fide* mistake; at least in the opinion of the person who was responsible for the mistake the appearance of Mr. Shibnath Banerjee was the same as that of the absconder.

Mr. LALIT CHANDRA DAS: Was any enquiry made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes; Sir.

Sj. Atindra Mohon Roy Choudhuri, of Comilla.

13. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Sj. Atindra Mohon Roy Choudhuri of Bagichagow, Comilla, was arrested in November, 1940, last, under section 129 of the Defence of India Rules and has since been detained in jail; if so, where is he now and how he is in health;

(*b*) whether it is a fact that his wife Sm. Nalini Prova Roy Choudhuri has petitioned the Government in the second week of December, 1940, praying for Atin Babu's immediate release or in the alternative for a suitable maintenance

allowance of his family consisting of the petitioner, his wife, a son aged 10, a daughter aged 3, a maidservant and an old and invalid mother aged about 80;

(c) whether it is a fact that during previous internment of the aforementioned Atin Babu, the Government was satisfied about the indigency of the family and allowed a monthly allowance of Rs.75 for maintenance;

(d) whether it is a fact that the poverty of the family is still the same and even worse;

(e) whether under the circumstances, the Government will be pleased to sanction a suitable maintenance allowance immediately, till Atin Babu is released;

(f) if the answer to part (e) be in the affirmative, will he be pleased to state what amount of maintenance allowance will be sanctioned and from what time will it be made available; and

(g) if the answer to part (e) be in the negative, will the Government be pleased to state the grounds of such refusal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (a) He was arrested in November, 1940, and is now in Hijli Jail: I have no report that his health is anything but good.

(b) Yes.

(c) His family was allowed a sum of Rs.75.

(d) I have no information available as to the family's previous pecuniary position.

(e) No.

(f) Does not arise.

(g) The family is not in pecuniary distress.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister kindly look to part (d) of the question, viz., whether it is a fact that the poverty of the family is still the same and even worse? My question lays stress on the word "still". The answer given by the Hon'ble Minister to (g) of this question is that the family is not in pecuniary distress. How can these two be reconciled, namely, his answer in (d) and answer in (g)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Unless Government are aware what the pecuniary position of the gentleman was, no comparison is possible, but Government is satisfied that the family is not at present suffering any pecuniary distress.

Mr. LALIT CHANDRA DAS: Sir, my question was as to whether the poverty of the family is still the same or even worse. That was my question, but the Hon'ble Minister has not answered it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the answer is quite clear.

Mr. LALIT CHANDRA DAS: No, no.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Let the honourable member hear me first, Sir. The word "still", on which he lays stress, suggests a comparison but as we have had no comparison made as regards the previous financial position of the gentleman, no comparison is possible at this stage.

Dr. RADHA KUMUD MOOKERJEE: Will the Hon'ble Minister please state, arising out of (*d*), if it is fair on the part of Government to abstain from taking all possible steps for eliciting informaton regarding the family's pecuniary position?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So far as our information goes, the lady herself is a school teacher and earns about Rs. 40 a month.

Realisation of contributions to the War Fund.

14. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether any instance has come to his knowledge that officials have in several places in the mufassal resorted to some degree of undue influence in order to realise contributions towards war purposes;

(*b*) whether any instance has come to his knowledge where war contributions have actually been realised from gun-licensees at the time of the renewal of their licences;

(*c*) whether the amount of such contributions varied from Rs.2 to Rs.50, according to circumstances; and

(*d*) whether such contributions have in all cases been voluntary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) No.

(*c*) and (*d*) Do not arise.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister please state if the answers in the negative have been given after due enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly.

Mr. RANAJIT PAL CHAUDHURI: Is the Hon'ble Minister aware that receipts were issued to those men who had paid contributions immediately after their licences were renewed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The point is that if anybody makes a contribution to the War Fund, receipts are given, as I have just mentioned in reply to another question. So, probably my friend is quite correct in presuming that receipts were issued, but it is difficult to tag these two things together, and I refuse to believe that any contributions were realised under pressure or duress.

Mr. RANAJIT PAL CHAUDHURI: In that case, Sir, how is the answer of the Hon'ble Minister that (*c*) and (*d*) does not arise, relevant in reply to my question in (*d*) as to whether such contributions have in all cases been voluntary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I have said, there have been contributions made to the War Fund. I will, therefore, ask my friend to go through the answers I have given carefully and my reply to question (*c*) and (*d*) will be quite intelligible to him then.

Mr. RANAJIT PAL CHAUDHURI: Is it a fact that the gun licence of a particular person was not renewed because he refused to contribute to the War Fund?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a vague question, Sir, and I cannot answer it.

Allowance to police officers for purchase of uniform, etc.

15. Khan Bahadur MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether any allowance is given to the police officers for purchase of uniform and other articles of wearing; and

(*b*) whether exception is made in the case of Sub-Inspectors and Inspectors of Police only, and if so, why?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Officers of the Indian Police and of the Provincial Service are given a fixed grant for the purchase of

their uniform. The subordinate officers of the Bengal Police, except Inspectors and Sub-Inspectors and the subordinate officers of the Calcutta Police excepting one sergeant who receives an allowance of Rs. 20 a month in lieu of free kit are provided with uniform at the cost of Government.

(*b*) Inspectors and Sub-Inspectors of the Bengal Police make their own arrangements for providing themselves with their uniform. Owing to financial stringency it has not been possible to provide them with uniform: Government propose in the coming financial year to grant an allowance of Rs.50 to Inspectors and Rs.30 to Sub-Inspectors for uniform on their first appointment or on promotion and a renewal grant of the same amount after a period of ten years' service.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Are the officers of the Indian Police Service and the Provincial Service allowed this fixed grant annually?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No. Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Then, after how many years are they allowed this grant?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Persons convicted under the Defence of India Act and Rules.

16. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of persons convicted under the Defence of India Act and the Rules made thereunder up to the 21st of January, 1941?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): 933 (up to the middle of February, 1941).

Measures of retrenchment.

17. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state what measures the Government of Bengal have adopted since 1937 up to 30th June, 1940, to retrench expenditure in all branches of the public administration of Bengal?

(*b*) What is the total amount of savings effected by such measures of retrenchments?

(*c*) What are the measures which are still pending before the Government for effecting further retrenchments?

(*d*) Do the Government propose to further reduce the scales of pay of all grades of Government servants? If not, why not?

(*e*) Do the Government propose to appoint any expert to suggest further retrenchments in the administration? If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is laid on the table.

(*b*) Over Rs.4,02,366.

(*c*) No large measure is pending.

(*d*) No. On a full consideration of the question it was felt that the present revised scales have reached the margin below which it is not possible to go without risk of impairing the efficiency and the integrity of the services and it was decided that at any rate during the period of the war any further downward revision of pays was out of the question.

(*e*) No. The reports of the Special Retrenchment Officers who explored possible retrenchment measures between November, 1937, and February, 1939, indicate that there is no further scope for any large scale retrenchment.

Statement referred to in the reply to question No. 17, regarding savings resulting from retrenchment effected by the present Government from the 1st April, 1937, to the 30th June, 1940.

		Ultimate saving.
		Rs.
1.	Reduction of the cadre of the B.C.S. from 322 to 232 and increase of the cadre of the B.J.C.S. from 450 to 536	2,43,226
2.	Replacement of 8 Inspectors of Calcutta Police by Sub-Inspectors	15,737
3.	Abolition of the post of Jamadar (Sub-Inspector) and the reduction in the number of Head Constables from 14 to 8 in the Calcutta Police Training School	5,000
4.	Reduction of I.M.D. posts	4,800
5.	Replacement of Demonstrators of the Calcutta Medical College by contract officers on a small pay	19,272
6.	Economy effected in the management of the Medical College by reduction of the pay of non-I.M.S. Professors, abolition of a considerable number of cadre appointments and introduction of contract officers on a much reduced scale of allowances without any claim to pension and provident fund	35,832

		Ultimate saving.
		Rs.
7.	Economics effected in the administration of the Royal Botanic Gardens	3,888
8.	Reduction of the stationery grant ..	40,000
9.	Discontinuance of the grant to the Marine Club ..	960
10.	Reduction or abolition of certain special pays ..	6,060
11.	Reduction of expenditure under contingencies—Police contingencies and lights and fans in Writers' Buildings	5,200
12.	Substitution of temporary for permanent chainmen at Mymensingh	267
13.	Reduction of the bulk of the Civil List ..	3,800
14.	Discontinuance of the supply of Indian News Agency Telegrams to the Hon'ble President and Speaker of the Assembly	720
15.	Revised arrangement for teaching Surgery of Tropical Diseases at the School of Tropical Medicine	975
16.	Reorganisation of staff of the office of the Chief Presidency Magistrate	1,250
17.	Abolition of the temporary post of Superintendent, Milk Societies, and the Basirhat and Khulna Boat Establishment	8,300
18.	Revision of the chalan form for sending files to and from Darjeeling and the pending list form	114
19.	Reduction of expenditure under Writers' Buildings Contingencies—Petty Establishments ..	2,000
20.	Introduction of a biennial instead of annual repairs to Police Floating craft	3,925
21.	Substitution of unarmed instead of armed guards employed at Rangpoo and Singla Bridge in Darjeeling	240
22.	Replacement of the Bengal Boiler Commission by a purely advisory body	800
23.	Abolition of the higher maximum limit of pension, viz., Rs.6,000 a year, in the case of certain services and posts	No estimate possible.
24.	Substitution of unbleached or semi-bleached for bleached paper as a war-time economy ..	Do.
	Total ..	4,02,366

GENERAL DISCUSSION OF THE BUDGET.

Mr. PRESIDENT: The House will now resume general discussion of the budget.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, since the——

Mr. PRESIDENT: Order, order. Under section 15 of the Governor's Rules, I fix 20 minutes as the maximum time for each speaker.

Mr. LALIT CHANDRA DAS: Sir, since the Hon'ble Minister for Labour took charge of the portfolio of Finance also, it has become increasingly difficult to put one's own trust on the approximate accuracy of his budget figures. He forecasted a deficit of 14 lakhs in the budget for 1939-40; but it has actually resulted in a surplus of 60 lakhs which, by the way, if I may be permitted to say so, Sir, has removed all grounds for the existence of the Bengal Finance Act, but which yet disgraces the Statute Book imposing as it does an ungraduated impost of Rs. 30 per head per income-tax payer, be he a millionaire or a wage-earner of Rs. 2,000 a year with a large family to maintain. Sir, can we rely on the approximate accuracy of receipts on the revenue account as shown in the revised estimates and on his forecasts of receipts for the year we are about to enter? Will the revenue receipts for the current year be Rs. 13,82,10,000 and will there be only an increase of Rs. 21 lakhs in the next? Will the deficits be as high as forecasted? Will it be for the current year one crore three lakhs and will it be for 1941-42 one crore 34 lakhs, as shown in the budget? Sir, I have my own doubts.

The best way to secure the consent of the Legislature to taxation measures is to scare them out of their wits by heavy deficit budgets and laying stress at the same time on the utmost necessity of spending more and more money upon what is popularly called the nation-building subjects, irrespective of any question of our capacity to bear the burden. Can it be said that some figures on the receipts side, however unintentionally, have been unduly deflated and expenditure largely inflated? Several lakhs of rupees have been locked up on the expenditure side of the budget which cannot be spent in course of the year for want of proper plants and officers and men to carry them through; but all the same serve the purpose of showing the heavy deficits. Allow me, Sir, to examine very briefly some of the receipts as shown on some of the major heads in the revenue account. I will take up first the forecasted receipt on jute duty which is the corner-stone of our finance. Sir, under section 142 (2) of the Government of India Act, Bengal gets 62½ per cent. of the receipts from the Central import duty on jute. Judging from the receipts from jute duty in 1937-38 and 1938-39, the actuals

in 1939-40 were not unexpected. If it was a windfall—that 66 lakhs in March, 1940, as the Hon'ble Minister would have us believe and not a reasoned expectation in spite of the war—I fail to understand how the same Minister in March, 1940, budgeted for receipt on jute duty a sum of Rs. 2 crores 20 lakhs for 1940-41.

Sir, the Hon'ble Finance Minister has put Rs. 1¾ crores only in the revised estimates as probable receipt on jute duty. This I question. It should be at least Rs. 2 crores 4 lakhs. As the Red Book would show, the Hon'ble Minister expects that the shipping facilities would improve helping jute export in the year to come, though the war cloud is thicker. Why then can he not expect that his earnings on jute export duty in this and next month will not equal, if not exceed, those collected in February and March, 1940? Sir, the Hon'ble Minister has already received up to January last a crore and 20 lakhs on jute duty: when he got 18 lakhs in February and 66 lakhs in March last year, the war was then on in full blast. I expect the history of last year will repeat itself. I will therefore expect an addition of Rs. 84 lakhs in this and next month to what he already got. And making a most conservative increase of only 10 to 11 lakhs for the next financial year as the Hon'ble Minister anticipates, I would forecast a receipt of 2 crores 15 lakhs on jute duty in 1941-42. This would place our receipts 30 lakhs better than what has been budgeted for.

Sir, the total value of India's foreign trade in the year 1940, as compared to 1939, showed an increase in spite of the war. Imports rose from 161 crores to 163 crores and exports from 188 crores to 218 crores. The abnormal increase in export trade was mainly made up of war supplies required by the United Kingdom. I ask, are not jute and sand bags made of jute "war supplies"? Sir, with the combined fleet of America and Britain both in the Atlantic and the Pacific to convoy goods-laden merchant ships, is it too much to expect that the Empire countries including also Burma, Singapore, the South Sea Islands, Australia and even America will make good the loss of some of the continental markets? Sir, I will leave this point at this and hope for the best.

Sir, I will now refer to receipts under "Land Revenue" which to my mind has also been under-estimated. Receipts under this item show an increase of 33 lakhs from 3 crores 56 lakhs in 1937-38 to 3 crores 86 lakhs in 1939-40. There is absolutely no ground whatsoever why in 1941-42 it should be budgeted at 20 lakhs less. Sir, in his speech the Hon'ble the Finance Minister has taken the credit of having secured to the growers of jute a just and fair price. He declared that for the first time in the history of the province Government secured the co-operation of the Indian Jute Mills Association, obtained fair prices to the growers and stabilised conditions throughout the trade. That being so and knowing as we do the large growth of jute this year, the

raiyat's ability to pay the revenues will increase considerably. There have been in the past huge arrears of rent in Government *khas mahals* as well as in private landlords' estates. We can surely hope that those arrears along with the current dues will be realized almost in full in this and next twelve months. The receipts under land revenue, therefore, should have been forecasted at last on the 1939-40 level, *i.e.*, at 3 crores 86 lakhs, thus showing the expected receipts about 20 lakhs better.

Next big item is Provincial Excise. Sir, under the ægis of a Government predominantly Muslim, the receipts under "Provincial Excise" is showing a steady upward trend. Sir, I tried to get a prohibition Bill passed into law, drawn up in accordance with the Prohibition Acts passed by the Congress Governments in Madras and Central Provinces. As happens in all matters emanating from this side of the House, the Bill was vehemently opposed by my Muslim friends opposite, with the result that it could not even reach the Select Committee stage. This is by the way. And now what do we find? Under "Provincial Excise," to the great delight of the Finance Minister the actuals rose from one crore 54½ lakhs in 1937-38 to one crore 63 lakhs in 1939-40 and now the expected receipts under "Excise" for 1941-42 has been budgeted at 1 crore 75 lakhs? The truth rather is that consumption of country spirits, opium and *ganja* is increasing by leaps and bounds and this is well-known to the Government and partially admitted also in the Red Book. Even so staid a gentleman as my honourable friend, Khan Bahadur Ataur Rahaman, knowing this as a fact, has tabled a resolution to the effect that licences to sell those commodities should be given in larger numbers to the Moslems in accordance with their population basis. Sir, increasing yields under "Excise" furnish at all times a sad commentary on the liability of the Government to check lapses which are bound to undermine the health of the people. So long as Prohibition, instead of making a mock trial of it by Government as in Noakhali, is not adopted as a policy to be ruthlessly pursued and so long as facts are as they are, I do not see any reason why the estimate should not have been put at 1 crore 85 lakhs of rupees for 1941-42. Perhaps the Islamic tenets prohibiting the use of drugs restrained the hands of the Finance Minister to show a higher figure. Sir, the receipts from "Taxes on Income other than Corporation Tax" is another big under-estimate for 1941-42. Bengal's share of assignment in any year is 20 per cent. of the net proceeds of "Tax on Income," and although the figure of 87 lakhs in this item is but a reflex of preliminary estimates supplied by the Government of India, the yield under this head will not be less than a crore, *i.e.*, 18 lakhs better than what has been budgeted for, considering the comparative affluence in the Government of India's income under this head. My justification for putting the expected receipt at a crore of rupees is also to be found in the progress of actuals from 1937-38 to the time of the revised estimates in the current year.

It was 25 lakhs in 1937-38, 30 lakhs in 1938-39, 55 lakhs in 1939-40 and 82 lakhs in the revised estimates of 1940-41. So, only 18 lakhs more for the next year is certainly not an unreasonable expectation.

Sir, it is not unlikely that there will be fall in receipts under some other heads of revenue, as for example in "Stamp" and "General Administration," due to operations of such bad laws as the Agricultural Debtors Act which after drying up rural credit has caused the necessity for crop loans. But taking all in all and making all allowances, I am confident that the provincial receipts on revenue account will not be less than 14 crores and 60 lakhs. And by 60 lakhs, to my mind, revenue receipts have been under-estimated.

If to this 60 lakhs anticipated increase in revenue a reduction of 45—60 lakhs in expenditure is made possible as in 1939-40 without even touching the increased expenditure on the nation-building subjects, we will then have a budget almost balanced on the revenue account which will not justify the imposition of any fresh measure of taxation, such as the Sales Tax, on the already over-burdened people of Bengal at the present juncture in the world's history.

I will, therefore, now proceed to show how reduction in expenditure to the extent of at least 45 to 60 lakhs is possible and also why no taxation measure is justifiable without retrenchments.

Sir, I will first refer to the expenditure on "Police". Bombay, Madras, the Punjab, and United Provinces all spend less on "Police" than Bengal. In 1937-38, Madras with 18 crores a year spent 1 crore 60 lakhs, Bombay with 16 crores revenue spent 1 crore 42 lakhs, the Punjab 1 crore 23 lakhs, and United Provinces 1 crore 64 lakhs on "Police," but Bengal with less income spent 2 crores 24 lakhs. And this year the Budget has risen by 14 lakhs more than what it was three years ago. Here at least is a sphere where our Ministry can take a leaf out of the book of the Congress Ministry and reduce the expenditure on "Police" by 20 lakhs, if not more. You have budgeted for expenditure on "Education" at 1 crore 77½ lakhs, whereas you have allowed the police to absorb one-sixth of the provincial revenues, although the Bengalees are the most docile and peace-loving people on earth. If they were not so, then ten times the present strength of the police would fail to keep law and order in Bengal. As they are, there will be no danger if staffs are reduced and some departments are abolished altogether. Sir, while on this subject, I cannot pass over it without mentioning as to how Bengal is fairing under the police régimé. Our police are not beloved of the people. They are a dreaded lot. They eat our salt and make free inroads on the liberties of the people of a political bent of mind. As a result of our long continued agitation, Sir, we succeeded in getting released over 3,000 political prisoners. They remained free without any untoward incident happening. Indeed, Bengal is singularly free of all political troubles and acts of violence,

for the past 5 years. Under the circumstances, it was feared that Othello's occupation would be gone. At such a time came the Defence of India Act and the embroilment of India as a belligerent country against her will, as a result of which double their number is now behind the prison bars, or otherwise interned or externed through the misguided activities of the police. Sir, we demand that all political prisoners and Defence Act victims be released. Will the Bengal Ministry release them? That would at least prove that the Ministry has an element of gratitude in them, for if they now find themselves on the Treasury Bench, it is because of these political prisoners. By releasing the political prisoners, they will be saving at least 10 lakhs of unnecessary expenditure on account of the politicals in jail.

Let us now turn to "Civil Works." The expenditure on "Civil Works" in 1937-38 was 1 crore, 28 lakhs. That was the prosperity year of the new Constitution. For the current year the Budget stands at 1 crore and 68 lakhs which is an increase of 40 lakhs. Remember that this is the year when it is feared that there will be a deficit of over 1 crore. Here at least there is room for large economy. I desire to draw the attention of the Hon'ble Minister to the fact that under the head, "Original and new building works not yet commenced," he has budgeted for Rs. 27,47,153. Within this amount is, of course, an allotment of 5 lakhs for the new headquarters of Noakhali. That is a very necessary expenditure, for the transfer to Begumgunge is overdue and urgent. There yet remains Rs. 22,47,153 in which is to be found the cost of 8 lakhs for the acquisition of two plots of land near the High Court for construction of buildings for accommodation of Government offices which are now in hired houses. Surely this expenditure can be postponed and Rs. 8 lakhs saved for the present. No man in his senses will go in for them now, particularly when it is known that if Government is bent on having them, they can acquire them any time. I can point out item by item where economy is possible, but I need not go into details. On the whole, 15 lakhs easy saving is quite possible by modification of some and abandonment of the other original building works not yet taken up. Such reduction of expenditure as shown above cannot be construed as a very great impediment to the grand march of the prodigal son of the family which has succeeded in frittering away the resources of a province which at the start of the autonomy was set on its feet with an opening balance of over 2 crores as a result of the Niemeyer Award and the cancellation of over 8 crores of rupees which represented Bengal's debt to the Government of India.

Then, Sir, I would refer to expenditure under "General Administration," which was 1 crore 46 lakhs in 1937-38 and has by now risen to 1 crore 64 lakhs. This is a sphere also where the pruning knife may very usefully be employed. Our nation-building subjects are starved and under-nourished. Under the circumstances, I fail to understand

why we should have the luxury of having five Divisional Commissionerships where two would be more than sufficient to adorn the gilded paraphernalia of a top heavy administration. Nor do I understand why Government should persist in migrating to the hills every year to the detriment of the revenues of Bengal. Retrenchment committees recommended the abolition of both. But our so-called popular Ministers, with deficit Budget in one hand and taxation measures in the other, would not listen. Would not the honourable gentlemen who adorn the Treasury Benches, in view of the miserable state the finances of Bengal have fallen into, voluntarily forego a portion of their pay, agree to take four times the pay of the members of the Legislatures and accept double their dailies and their travelling allowances with fixed house and car allowances? The scales of pay in the higher services should also be revised——

Mr. PRESIDENT: Mr. Das, you have reached your time-limit. I will give you one minute to finish your speech.

Mr. LALIT CHANDRA DAS: All right, Sir; when all this is done, there will be time enough for our Ministers to come with fair face and ask for the passage of taxation measures. Till then, it will be our duty to put our face sternly against all taxation measures.

(Here the member reached the time-limit and resumed his seat.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in dealing with a big subject like the budget of the province, 20 minutes' time is hardly sufficient; so it is necessary for me to curtail my speech as much as possible.

Sir, before beginning my general comments on the budget, I should consider it my duty to say a few words with regard to some statements so vehemently made by the last speaker. He has tried to inflate the possible income of the current year; but he has attempted to become wise only after the event. It was not, however, possible at this time last year to anticipate a surplus on certain heads. He should also remember that the present Finance Minister came in at a time when the budget had already been prepared so far as the department was concerned. The present Finance Minister only piloted the budget which was prepared by one who is an acknowledged authority on finance.

Next, Sir, the honourable member has cast a reflection on the excise policy of the Government. He has found that under the present Government the excise income has increased and from that he has drawn the easy conclusion that the present Government has somehow or other, encouraged drinking. I am, however, led to just the opposite view. I believe that the

liberalisation of the excise policy, by making Government liquor cheap, has encouraged the people to come to the recognised shops instead of driving them to illicit distillation. I believe that drinking has really lessened to a considerable extent. Sir, it is notorious that in the villages illicit distillation was going on and the excise staff was quite insufficient to deal with the evil. The Excise Department has made liquor cheap in order to check this illicit distillation; that is the reason for the increased receipts. Then, Sir, my learned and honourable friend Mr. Das could not resist the temptation of having a fling at the present Government, because it is a Muslim Government, that the present Government is encouraging drinking and drug habit. He believes that the remedy for drinking habit is Prohibition. I think that Prohibition is dead—as dead as mutton—many, many years ago. Prohibition was tried in the United States of America: it was tried in Mauritius and in other countries also; and everywhere it has proved a failure. I believe some of my friends have some experience of the strong craving that exists for liquor and other excisable articles among those who have acquired the habit of drinking. If you try total prohibition of liquor and other excisable articles, you would be driving drinking underground and be indirectly encouraging illicit distillation and illicit traffic. That is the uniform experience everywhere where Prohibition has been tried. I devoutly hope that in order to save the people of Bengal from illicit drinking, the Legislature would never agree to total prohibition. The so-called Prohibition is no Prohibition except only from the excise revenue point of view. You can decrease the excise revenue through Prohibition, but you cannot diminish the habit of drinking.

Now, Sir, my friend Mr. Das has said something about the ungraduated tax of Rs. 30. He has laid special emphasis on the word "ungraduated." I believe that the fact that it is ungraduated is due to reasons beyond the control of the Legislature. It is on account of the Government of India Act that we cannot have a graduated tax. A Congress Government attempted to graduate this tax, but it was held that it encroached upon the income-tax law, and so it was *ultra vires*. The fact that it is ungraduated is due to this interpretation of the law.

Now Sir, coming to my comments on the budget generally, I should not be contradictory. I find that there is a tendency in the House as well as in other places to demand a large number of ameliorations and a large number of grants on various heads. At the same time, there is not a corresponding amount of willingness to submit ourseves to the necessary taxation. That is so obvious that it does not require any labouring. Rising in our seats we demand numerous grants involving large sums of money. But at the same time we would not agree to any proposal for taxation. I believe, Sir, the question of passing a budget is a question of pound, shilling and pence. If you want to give benefit to the people, you must pay the money and if there is not enough

money it must be raised by taxation. There is, of course, the question of retrenchment. The statement which has been given by the Hon'ble the Finance Minister in answer to a question to-day shows that there has been some retrenchments in certain directions. But I do not agree that the Hon'ble Minister is right in saying that he has reached the rock-bottom.

I believe in times of distress everybody should come forward to make his own quota of sacrifice. I should therefore submit that highly paid officers including the Hon'ble Ministers and members of the Legislature should all agree to cut down their allowances and their pay (A voice: Also Public Prosecutors.)—including also the Public Prosecutors—as an honourable gentleman says. Everyone who has an income beyond a certain minimum should come forward to make sacrifices. Some honourable members from behind whisper to me that pension-holders should not be excluded. I never intended to exclude them. They should also be brought in. I believe everybody should come forward to make the sacrifice. It is useless, it is idle, I submit it is ridiculous on our part to talk of retrenchment, to talk of economy, talk of sacrifices, talk of doing good to the people without at the same time submitting ourselves to a necessary amount of inconvenience in order to improve the condition of the people. I quite realise the weight of the criticism against this opinion of mine that it would not bring large money to the coffers of the Government. But it would show a gesture, it would show our anxiety for the people; it would show willingness on our own part to submit ourselves to inconvenience for the benefit of the people.

I am of opinion, Sir, that the Government should tackle large and important problems even in these days of difficulties. I feel that primary education should not be lost sight of. We have lost sight of this necessary function of the Government for a long time when we had prosperity. And under an assumed condition of adversity, we are losing sight of it again. I believe primary education is so important that it should never be lost sight of. The people should make the sacrifice. The Education Cess should be imposed and primary education should be spread throughout the province. This is the foundation of nation-building in every country.

Now there is another large subject, the question of unemployment that has been referred to by some honourable members. But speaking with respect, they have not done so with sufficient emphasis. You will be pleased to consider, Sir, the annual output of students who pass the examinations from the Calcutta University, from the Matriculation to the M.A. and M.Sc. Standards. There is an annual output of something like 25,000 successful candidates from the Calcutta University who are thrown in the market—on an unwilling market. The Government can

provide for something like 500 out of them. If we think that we have made sufficient provision for these educated people by giving jobs to only 500, I believe we would be doing injustice to our educated youths. There is the question of something like 24,000 educated youths to be considered. It is not by giving to a few Government employments jobs that you can satisfy them. You should open up industries and similar other things such as business. You should give them necessary amount of training, necessary amount of capital to start in business, introduce them to business houses and all these should be done through Government supervision. If you do not do so our educated youths will drift to wrong politics. They will turn communists without knowing the meaning of communism, and they will be law-breakers. You cannot help that. Educated people require avenues of employment. If these avenues are shut out from them, they will be distracted and with no food there is no knowing where our educated youths will drift to. In these circumstances the question of unemployment should be tackled boldly and on a large scale and in a liiberal spirit by the Government. If schemes are launched by Government which require money and if these schemes are for the benefit to the people, the country will be prepared to submit themselves to necessary amount of taxation.

I should submit that the Government has some big sources to tap and the sources are first, the *fatka* market. There is enormous money in the *fatka* market. The *fatka* market is a gambling den, and they make money out of nothing; they do not pay any taxes. It is gambling and luxury which throw the business of jute into ruin. They dislocate the market for their own benefit. This *fatka* market may be taxed. This would bring enormous money.

Then, there is another big head. There is agricultural income-tax. There is no use shutting our eyes to the fact that the agricultural incomes of the landlords, I mean all sorts of landlords from the landlords directly under the Government to the intermediaries, these incomes are not subject to any kind of taxes whatever. In fact, according to the income-tax law, there could be no income which is not subject to income-tax. There is an extreme case under the income-tax law. If a man steals an amount of over Rs. 2,000 and if this is proved, this income also will be subject to income-tax. But this agricultural income of landlords, by a strange anomaly, has never been subjected to income-tax.

The Government of India Act has made ample provision for taxing agricultural income, and the Government of Bihar have introduced an income-tax on a minimum agricultural income of Rs. 5,000, or so. I believe that we can begin taxing agricultural income in Bengal also. subject to a certain minimum. I would submit that, to begin with, the tax should be low, and we should have some experience of its actual working before we increase it. We should not dislocate the

busienss of the zemindary all at once. There should be a certain minimum laid down and the poorer section of the people should not be touched. This will bring us much money. Then there are two Taxation Bills already pending. One is the Motor Spirit Sales Taxation Bill. On principle, I have no objection to support the Bill, provided the money is spent on nation-building departments. The other Bill is the Sales Tax Bill, and I believe that on principle, subject to certain exceptions, the country shall be willing to subject themselves to this tax. The principle of the Sales Tax Bill is that it would affect the rich and the poor—the poor to a small extent, but the rich to a large extent. By submitting themselves to a little amount of tax, the return that the poor will get from the richer people will be far greater. If we try to introduce too many exemptions, it will mean that the proceeds from the tax will be reduced and the benefit to the poor will be greatly lost. Under these circumstances, the principles of these two Taxation Bills should be acceptable. We have got to tackle the question of unemployment and primary education and public health, and other things also require a lot of money; money should also be found for different other heads. I hope the Finance Minister will try his best to take courage in both hands and introduce the necessary measure of taxation. It is well-known that taxation is always unpopular, but it is far better to court this unpopularity and spend the money for the benefit of the people. With these few words, I submit that the budget as a whole shows an attempt to reconcile the position of Government to the difficult times, but it is only an attempt to reconcile its position to new environments. There, however, is no bold attempt to cut through the difficulties and create fresh resources and spend the same usefully for the welfare of the province as a whole. I trust that the Finance Minister would be pleased to consider the suggestions I have made as well as the various other valuable suggestions made by other honourable members and amend the budget accordingly and bring about a real amelioration in the condition of the people. Mere tinkering with half-measures to satisfy some people by increasing small amounts on this head and that will not be enough. I believe large measures are necessary to benefit the people, the rich and poor alike, and the problems should be tackled in a generous spirit and without any fear or favour.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I do not like to take up the valuable time of the House by criticising the allotments set apart for the different departments of Government, nor do I wish to criticise the policy of Government in the different departments that have been placed under them, as has been done previously by several speakers—as regards, for example, the Excise, Police and other Departments. But I would like to tackle the policy of Government in general.

I must confess that I have read the budget with disappointment and dismay. In saying so, I am not giving expression to my own views alone, but I speak also about the impressions that I have gathered from the people in general. The majority of the people in Bengal look upon the budget as a disappointing one. It is not because Government have not set apart some money for the nation-building departments; it is not because Government have not increased the grant for this department or that, but because the budget is a deficit one. Sir, a few days ago I had been to the mufassil and in the interior of villages, and there I met various people—artisans, tenants, tillers of the soil, doctors, lawyers and all sorts of people—and I came to know from them that all of them without exception look upon the budget as most disappointing only because it is a deficit budget. They are of opinion that a deficit budget does not redouned to the credit of the Government. It ought to be at least a balanced budget if not a surplus one. They are of opinion that it is very easy for the Government to speak of a deficit budget and then approach the people and ask them to contribute in order to meet the deficit—it is quite an easy affair—but that the Government do not realise the difficulties of the poor people.

Sir, the success of the Government depends on the proper preparation of the budget. If a balanced budget is prepared and if the coat is cut according to the cloth, no question of fresh taxation would arise. The people should not be taxed any more. Then, Sir, the Hon'ble Minister has said that there are two taxation measures now on the legislative anvil and they will be passed. Sir, the capacity of the people to bear further taxation has been exhausted and the Government know very well that by further taxing them they would ruin the poor people altogether. I cannot help saying that inefficiency due to failure to realise the actual situation is writ large on it. It is largely due to the want of proper knowledge on the part of the Government to tackle the problem.

An analysis of figures will go to show that the estimated closing balance of Rs. 1,92,58,000 for the current financial year will be reduced to Rs. 32,91,000 for 1941-42 on account of revenue deficit to the tune of a crore and 34 lakhs and deficits in capital account of Rs. 25 lakhs for the same year. The minimum balance prescribed to be kept with the Reserve Bank and the Treasuries is 49 lakhs. The estimated closing balance is 33 lakhs which is less by 16 lakhs of the prescribed amount. Sir, when the Meston Award crippled our resources, we went up to the Government of India to have an equitable financial settlement. In the year 1922 a Retrenchment Committee was set up with Sir R. N. Mookerjee as Chairman to establish an equilibrium in the budget estimates. Meanwhile, the amusement tax and a tax on betting were levied, the rates of stamps and court-fees were revised. Another

Retrenchment Committee was appointed in the year 1932 to economise expenditure. Effect was given to some of the recommendations of the committee and taxation on electricity was taken recourse to and as a last resource the people of the province and the Government did not relax their efforts to get a share of the export duty on jute from the Central Governments. With the inauguration of Provincial Autonomy in 1937 Bengal's debt to the Government of India amounting to rupees 8 crores and 41 lakhs have been wiped off, reducing the annual expenditure in interest by 23 lakhs. The share of export duty on jute has been increased by 50 to 62½ per cent., resulting in an increase of the resources of the province to the extent of about 45 lakhs a year. A share in the proceeds of income-tax (other than Corporation tax) has also been given to the province. The estimated income from these items for the next year is 87 lakhs (as shown on page 15 of the Red Book). The Government of India also placed 98 lakhs of rupees at the disposal of the Government of Bengal as opening balance for specific purposes. This is how the revenue of the province has been enhanced since 1937. Now all these have been exhausted, and we have deficits both for the current and for the next years. Apparently these deficits are due mainly to excess of expenditure over revenues, so that the Sales Tax Bill may be easily passed. This is hoodwinking the tax-payers.

In the speech of the Hon'ble Finance Minister he repeats the statement by saying that the money is required for nation-building work. Even *Capital*, which is one of the most important dailies in Bengal, has taken him at his word, but at the same time questioned the wisdom of his argument.

While admitting that money should be provided as long as schemes undertaken had found general approval, *Capital* remarks—"Unfortunately, however, the Bengal Government has embarked on one or two which cannot be placed in this category and its determination to proceed with them tends to create a certain amount of suspicion with regard to the others."

The Finance Minister has tried to lull the suspicion of the people by saying—"The budget provides for expenditure on revenue account 52 lakhs in excess of the revised estimates for the current year. Practically the whole of this increase is under the nation-building department." I cannot understand how he has arrived at this sum.

The following figures of expenditure on the nation-building departments—given in lakhs of rupees—are eloquent and will testify that it is not so. I am not an expert as the Finance Minister, but to my knowledge I find this is not the correct figure. The following figures of expenditure on nation-building departments have been in

lakhs of rupees and will show that the excess is not 52 lakhs but only 7 lakhs:—

	Revised Estimates, 1940-41.	Revised Estimates, 1941-42.
	Rs.	Rs.
Scientific Departments	30	30
Education (General)	1,63	1,77
Medical	57	47
Public Health	43	52
Agriculture	73	45
Veterinary	7	8
Co-operation	15	18
Industries	15	19
Industries (Cinchona)	7	8
Irrigation	23	26
Total ..	4,33	4,40

Thus the increase, as regards the nation-building departments, is not 52 lakhs but only 7 lakhs of rupees. It is a big jump from 7 to 52.

During the previous war, the Government adopted the sound policy of refraining from proceeding with legislation of a controversial character and from undertaking any new work which was not urgent. It is a matter of surprise that during the present war which, in its intensity and extensiveness far outshines the previous war, the Bengal Government have thought fit to throw to the four winds the policy then followed.

We have been told by His Excellency the Commander-in-Chief as also by His Excellency the Governor of the province that it would be foolish to believe that the war will not come to our doors. Let us all hope that this will not and pray that this may not happen. But we must be prepared to defend the country and defend the Empire which is now fighting for the cause of democracy. We have our grievances, but we want to remain within the Empire with grievances removed. We want to help Great Britain to our utmost capacity. To succeed in doing this, we would like to see our resources mobilised. Moreover, the present policy of the Bengal Government in piling up new taxes has crippled the capacity of the people of Bengal to contribute to the War Fund. I do not think that this has been done deliberately, but all the same the effect is inevitable. With the flames of the war fast spreading in the East and threatening to engulf India, with the price of necessaries of life enhancing, with the uncertainties of the future

increasing, it is necessary to husband our resources and not indulge in extravagance which may prove criminal. On the top of the difficult political situation we have a considerable part of the province in the grip of scarcity which is fact assuming the alarming proportions of famine. This is not the time to produce an unbalanced budget and then try to balance it by imposing further taxation. It will only intensify discontent with disastrous consequences. I am sorry to find that my friend Khan Bahadur Saiyed Muazzamuddin Hosain told this House yesterday that he supports the taxation measure so long as it will be to tax the rich. I do not know what policy he adopts when he says that one class should benefit at the cost of the other community. I have nothing more to add to this, but I can say that that policy is very dangerous. Sir, this morning also my friend said and, in fact, suggested that agricultural income up to Rs. 5,000 should be exempted. As I have already said, this is not desirable that one class should suffer for the benefit of others. If this is allowed, then the result will be that that class will be ruined in no time and Bengal will be poorer and poorer. The present Government legislations like the Bengal Tenancy Act, Money-lenders Act, Debt Settlement Act and the like have ruined the richer classes and, on the other hand, the conditions of the agriculturists have not improved even by an inch. Therefore, what is required in the present Government is to find out ways and means for the real improvement of the condition of agriculture and of the agriculturists and not to adopt the policy of taxation. I would say that the real grievance of the people is that the budget should be a balanced budget, and there should not be any imposition of fresh taxation. Sir, imposition of fresh taxes for carrying on ordinary administration has been resented by the people, and we as representatives of the people would be failing in our duty if we do not enter our emphatic protest against this policy. I have already said that I do not want to enter into details of the budget, but at the same time I approve the policy of the Finance Minister when he says that more money is required for irrigation and for agricultural purpose, and I hope by balancing the budget we provide more money and this may be done by curtailing the expenditure as has been suggested by the last speaker that retrenchment should be done in respect of salaries of Government officers and other items. The best policy of Government would be to make some retrenchment, curtail the expenditure and give some money for the benefit of the agriculturists and for the development of industry and irrigation.

Mr. J. B. ROSS: Mr. President, Sir, I rise to congratulate the Hon'ble Finance Minister on the clear—I had almost said, clever—and comprehensive manner in which he has presented his budget for the year 1941-42. It is difficult to contemplate a deficit, as he has estimated, of 1 crore, 34 lakhs without some degree of anxiety; but it is as well that we should know the truth and so be enabled to face up

to the reality of the financial difficulties of the province. The Hon'ble Minister heard the views of the European Party in another place last evening, and if he finds that I reiterate some of these views this afternoon, it will only serve to emphasise the fact that these views are strongly held by this party. There is little doubt that since the introduction of Provincial Autonomy the expenditure of the province has shown a steady tendency to rise. In the year 1937-38 the revenue receipts were 13 crores and expenditure for ordinary revenue 11 crores, 83 lakhs, whereas in the budget now before us the receipts for 1941-42 are estimated at 14 crores, 3 lakhs and expenditure at 15 crores, 37 lakhs. It will be noted that the estimated expenditure for 1941-42 exceeds that of the actual expenditure in 1937-38 by 4 crores, 54 lakhs. That is a considerable sum of money over a period of 4 years. Whilst this party has every sympathy with the desire of Government to improve the work of nation-building departments, we nevertheless feel that in the present abnormal times the utmost caution should be exercised in the control of expenditure in view of the recent progressive decline in certain items of revenue such as the jute export duty, land revenue and stamps. The budget has, I believe, been framed on the assumption that the two taxation measures—the Sales Tax Bill and the Bengal Motor Spirits Sale Taxation Bill—will be passed by the Legislature. My party feels that the Government have made out a satisfactory case for the new taxation; at the same time, the fact that fresh taxation has been found necessary to reduce the estimated deficit proves the absolute necessity for the avoidance of new commitments involving additional expenditure throughout the coming year. On the assumption that the two taxation measures will be enacted and the Sales Tax will be brought into operation from the 1st July, we estimate the net yield from both during the year to be about 90 lakhs after allowing the costs of collection and other charges, so that the deficit for the year should be reduced to approximately 50 lakhs and the closing balance—about which the Finance Minister has shown so much concern—increased to 117 lakhs, instead of the 33 lakhs budgeted for—a much healthier position.

I would here like to draw the attention of Government to the fact that no account has been taken in the revenue estimates of the quantity of jute purchased by Government last year at a cost of, roughly, 30 lakhs, and which, if sold during the course of the coming year, will yield a future addition to the closing balance to the extent of the sale proceeds *plus* a reduction to the same extent in the estimated deficit. In spite of the prospective improvement in the financial position of the province, however, and the assumption, based on experience that expenditure will to some extent fall short of the budget estimate, I repeat that the position disclosed is such as to necessitate a very cautious financial policy and avoidance, if possible, of any additional expenditure during the year. I, therefore, draw the attention

of the Government to this necessity and would request an assurance from the Hon'ble Finance Minister that Government will not, except in cases of emergency, enter into any additional commitments until the sanction of the Legislature has been obtained and that in cases of emergency commitments they will present the supplementary estimates at the earliest opportunity afforded by the sessions of both Houses, summoning either House or both to sit, rather than defer presentation. There was a certain amount of perturbation amongst members owing to the action of Government in the current year in incurring certain expenditure which had not been approved by the Legislature. I understand that Government have been able to satisfy most of the party leaders as to the circumstances under which that expenditure was undertaken. I would, however, like to have an assurance from the Hon'ble Finance Minister that a repetition of this state of affairs will not occur.

Sir, the progressive decline in revenue from jute, stamps and land revenue since 1937-38, namely, Rs. 106 lakhs, is a disturbing factor. Of this Rs. 57 lakhs reduction in the jute export duty is due to causes beyond Government control. But I suggest that the decline in receipts from judicial stamps and land revenue is largely attributable to measures of policy undertaken by the present Government and it would appear that this decline is not merely permanent, but is likely to expand. Whilst I do not propose to criticise these measures of policy, I would enquire what steps Government propose to take in the form of retrenchment to counter this fall in revenue. This party also feels that the estimated revenue from the jute export duty is rather optimistic, based as it is on an assumption by Government that shipping facilities will improve in the coming year—an assumption which in the present circumstances this party considers unsafe. Some of the schemes included in the new expenditure appear to involve commitments to a recurring expenditure which will inevitably increase. I desire to make it clear that in agreeing to these proposals this party is not in effect committing itself to further taxation at a later date in support of this recurring expenditure.

I would like the Hon'ble Minister to inform the House of the ultimate cost of the scheme for the development of primary education and also of the scheme for the reorganisation of the public health services. Is it proposed in allocating grant to the District School Boards to confine the grants to those districts in which education cess is being collected? It is also desirable that this House should be made aware of the ultimate cost of the transfer of the Noakhali district headquarters.

I now come to an item in the budget which has caused this party a certain amount of concern, that is loans to cultivators. It was to be expected that Government having set up Debt Settlement Boards and

having regulated the activities of money-lenders to the point of extinction, would be faced with the necessity of finding other means of financing the cultivators, and it appears that they have adopted the policy of advancing short-term crop loans to the cultivators through the Bengal Provincial Co-operative Bank. It is important that the House should know how far this new experiment in money-lending is going to be carried by Government. Rs. 13½ lakhs were advanced in 1939-40, Rs. 50 lakhs in 1940-41 and a further sum of Rs. 60 lakhs is budgeted for in 1941-42. The published statements show that the total advances to date exceed the recoveries by 64 lakhs. The danger here, as we see it, is that no matter how good the record of the agriculturist in the matter of repaying loans, in the past the record of the co-operating department as a collecting agency has not been creditable. In the opinion of the European Party, therefore, it is desirable that a very close check should be kept on this new venture; and to enable this to be done by members of the House, I suggest that quarterly or half-yearly statements of advances and recoveries should be laid on the table. Meantime, I would request the Hon'ble the Finance Minister to enlighten us as to the terms and conditions of the advances to the Bengal Provincial Co-operative Bank; what security is provided by the bank for repayment and the nature of the security. Is Government satisfied that the loans are fully secured? This brings me to the general statements made by the Finance Minister in his budget speech with regard to the inadequacy of the revenues of the province, the necessity for further taxation and the Ministry's policy in relation to the war effort. Whilst in principle this party is in agreement that progress in nation-building activities cannot be held up for the duration of the war, I desire to draw the attention of Government to the burdens already being shouldered by the tax-payer and the fact that particularly in present circumstances his capacity to pay is not unlimited. It is, therefore, imperative that the rate of progress in regard to these activities must be controlled and limited by war conditions. In this connection we welcome Government's recognition of the fact that it is essential to subordinate the requirements of the province to the paramount claims of the Centre for the prosecution of the war until such time as the British Commonwealth of Nations emerges victorious.

Mr. RANAJIT PAL CHAUDHURI: Sir, although the other day our Hon'ble Finance Minister had a supplementary budget passed for one crore and sixty-seven lakhs on the last financial year's account, yet it seems rather inscrutable to us, that more or less a sum of 50 lakhs budgeted for expenditure on "Irrigation," "Industries," "Agriculture" and "Public Health," has been left over unspent. Is it because there was not so much drought in West Bengal throughout the year that the

modest sum of two lakhs and sixty thousand earmarked for "Irrigation" purposes was not impressed? Did the condition of our industries so much flourish during the year that my friend did not feel the necessity for spending the fifteen lakhs and thirteen thousand set apart for the improvement of the provincial industries? Is it because our agriculture manifested such progressive signs during the year that the sum of Rs. 18,20,000 intended to be spent on that head was altogether forgotten? Has our public health suddenly improved in such a way during the year that even the modest sum of thirteen lakhs meant to be spent on that head was not also called for? But what seems quite funny is that all that fifty lakhs have not been kept in reserve; most of the amount has either gone over to other heads or has altogether lapsed.

Sir, if what the Hon'ble Finance Minister says in the second paragraph of his printed statement has any meaning for us, then I must say that he has at long last appreciated the inevitable difficulties of our province, why it has gone on so very ill-equipped and starved all these years since the inauguration of the Montford Reforms, and why the present Provincial Autonomy is no boon to us. But what I really regret most in my friend is that, although he has been in the Legislature for well over 20 years, yet it has taken him such a long time to realise where lies the most vital defect of the everpresent financial stringency of his own province. But my honourable friend can be execused as he is an Arabic scholar. It was through mere accident that he was called upon to take up, as a stopgap, the Finance Ministership of this province, when that redoubtable student of Economics and Finance threw up his office by way of protest owing to differences with his colleagues in the Cabinet, because at that juncture none from that happy team would come forward to shoulder that onerous responsibility of finance of this ill-fated province under the most unjust, unfair and imperialistic Meston Award. So as an amateur in Economics and Finance he is apt to bungle and blunder.

Sir, when my honourable friend admits that war has brought no affluence to the province, and that there has been loss of continental markets for our exports for war conditions and shipping difficulties, it sounds somewhat ludicrous to have from him in the same breath those new taxation proposals in the plea of nation-building. My friend, I believe, has managed to forget for the time being the manner in which all and sundry in this ill-starved province has been hit by the Central Government's recent taxations. Will my friend deny that the surcharge on railway freights, rates and fares has not touched the pockets of the inhabitants of this province? Can he ignore that the recent increase in the postal rates and charges has failed to affect the budget of the meanest man in the street? Can he keep his eyes shut to the fact that every article of necessity has gone up in price hitting

hard both rich and poor? Is he prepared not to admit that the sugar cess and the match cess have not been telling upon the dwindling resources of consumers at large? Has not the supertax on incomes proved rather galling and discouraging to those who are running a lot of the large scale businesses and industries in the province? If those Central Government's imposts have proved unbearable, one has to think in this connection of the dismal conditions that have been brought about by some of the direct modern taxes and duties levied of late by our Ministry on this province. One has also to remember the pin-prick effects of the Entertainment Tax and the Electricity Duty on the people that are hit by them. Next it is now a matter of common knowledge how the so-called progressive legislation for scaling down general indebtedness—the Bengal Money-lenders Act and the Agricultural Debt Relief Act, combined with the whimsical operations of the numerous Debt Conciliation Boards, have brought a veritable disaster to its entire economic structure. Then the Bengal Tenancy Amendment Act—the brightest achievement in the way of fulfilment of the election pledges of the so-called Krishak Proja Party—has rendered the landlord-tenant system so very unworkable in the province, that within 12 months of its advent, over two scores of the revenue-paying estates of name and fame have sought to come under the management of the Court of Wards, because of the new leaven that has been created in the minds of the tenantry. One should also remember the severity of the Education cess burdened with the recent Census cess on the people at large in the countryside. Will my honourable friend, after all this, persist in his course of going forward with additional taxations?

Sir, I cannot forbear mentioning here that my honourable friend must have clean forgotten when he prepared his budget speech about the most miserable conditions that are prevailing in a few of the important districts close by. In ministerial parlance, the conditions prevailing in Birbhum, Bankura, Murshidabad and Bankura may not be famine or scarcity conditions, still it cannot be denied for a moment that there exists acute distress all round in these four districts, otherwise there would have been no urge on the part of our self-satisfied Ministry for all those piecemeal relief grants and measures. Does the state of affairs prevalent in those places justify the levying of any fresh burdens on the people over there, direct or indirect?

Then, Sir, the veritable backbone of our countryside—those people who bring us prosperity through the golden fibre—have been very badly hit of late for conditions upon which I need not dwell here. They are the people who both directly and indirectly feed and foster the different trades, industries and occupations in the mufassal, and there is also no denying the fact that he and his colleagues have of late busied themselves in devising ways and means as to how to buoy

them up in their calamity. I cannot, therefore, understand why my friend has managed to forget the unfortunate lot of such a large number of people, as his move for additional impositions is sure to cause them also a calamitous blow.

Next, Sir, when on my honourable friend's own showing, nearly 8 lakhs will have to be spent during the year on dearness allowance, at the rate of Re. 1 for salaries of Rs. 30 or below in the Government services only, one can well imagine the magnitude of the distress to which the people in the Government services have come to, in spite of the benignity of our Government. But one should not also brush aside from the mind the miserable plight of the huge number of people who are employed in non-Governmental services, who will not have the benefit of even such a meagre dole. Is my friend sure that this lot of people will escape, even in an indirect way, his new impositions?

Sir, I would mention in passing that we cannot but feel that Labour, for which our honourable friend felt so concerned in his undegenerated days, should be so entirely ignored by him, that there should be no provision in his budget for their progress and welfare.

Sir, from what I have already said, it is manifest that our Ministry will give with the right hand what it will take away with the left in the event the new taxation proposals are to be carried out. The budget this year has not only overlooked the gloomy financial conditions prevailing all over the province, but also has ignored what its consequences will be on the future. I am, therefore, led to characterise it as both thoughtless and wasteful. My advice to my honourable friend will be that he should resort to the most rigid economy and careful retrenchment in each and every department, and should only mark time this year, without adumbration of any taxation measures, as the time is not opportune for him to make any effect.

Sir, one word with regard to the remarks of my friend the Khan Bahadur Naziruddin Ahmad and I have finished. My friend has suggested that people should sacrifice a portion of their income for ameliorating the present distressing conditions. Sir, I cannot be so bold as to suggest such a method. I am of opinion that we are undergoing sufficient sacrifice for which we are getting no return. It is up to the Government to make the best use of the money that is being drained out by properly checking the flow.

Sir, before I conclude I would point out to the House that in provinces where there exists no Provincial Autonomy and where they are not so ill-equipped and starved as we are in Bengal, the Government have not been known to have come forward with additional taxation proposals, evidently in view of the all-round stringency of the financial conditions at the present moment. I hope the Hon'ble Finance Minister will take due note of this fact.

Maulvi NUR AHMED: Sir, in rising to speak on the budget presented to this House by the Hon'ble Minister in charge of Finance, I must congratulate him. But really speaking the members of this House do not feel so much enthusiasm over the discussion of the budget as the House was not given any effective voice in the control of the budget. Under the Government of India Act of 1935, they are only to play the part of a debater and an amateur player on the stage. Sir, there is a proverb that human nature matures at 40. The elected members of the House who are mostly on the verge of 40 and above 40, have not been thought fit to control the budget with their matured wisdom. This is irony of fate, but we must bow down to the *fait accompli* so long as the present Constitution exists. Belonging to a party which is pledged to support the Ministry, my duty is to make a few suggestions and not to make any sweeping criticisms or to condemn the budget as a whole.

Sir, the budget estimates as presented in such difficult circumstances cannot be said to be disappointing as has been characterised by some of the honourable members: If you consider them from all points of view, it appears that the Hon'ble Minister is to be congratulated on the fact that he has been able to take a bold attitude in not curtailing the expenditure of the nation-building departments. In the circumstances in which he was placed he could have acquired cheap popularity by providing no additional expenditure or curtailing the expenditure under all nation-building departments. Whenever a cry for curtailment of expenditure has been raised and the other departments benefit by it, it naturally results in the reduction of expenditure on nation-building departments and the Hon'ble the Finance Minister is more to be congratulated because on the eve of the general election he has taken courage in both hands and decided to face the country with new taxation measures for the amelioration of the people and for the building up of the nation.

Sir, with all these observations I must draw the attention of the Hon'ble Minister to one aspect of the budget, though this aspect has been touched by other honourable members, and that is an increase of revenue under "Excise." Of course my learned friend Khan Bahadur Naziruddin Ahmed has given some explanation, but I with all respect to him venture to say that that does not convince me. It appears that the revenue under "Provincial Excise" has increased considerably from the date of the inauguration of Provincial Autonomy. Sir, with the inauguration of autonomy it was thought that a gradual policy of prohibition will be followed. Actually with that end in view even before the advent of Provincial Autonomy, Government established Licensing Boards. There was published a circular in which it is laid down that the Government policy is that Government under the circumstances cannot accept the policy of total prohibition at a time, but it accepts the policy of the gradual reduction of excise shops.

With that end in view Licensing Boards have been established in several districts and they have been working for several years. But what do we find as a result of the working of Licensing Boards? The result is that the number of excise shops has increased. I am speaking from my personal experience. I am associated with the working of the Licensing Board established at Chittagong. I find there year after year the number of shops have increased at the suggestion of the Superintendent of Excise and sometimes it so happened that there was a proposal even to increase the country spirit shops by 10. When I opposed it, it was explained that it was the duty of the Government to supply cheap liquor. Unfortunately, I must say, my learned friend Khan Bahadur Naziruddin Ahmad, who associates himself with that policy, has also thought fit to say that it is the duty of Government to supply cheap liquor. Now that the price of the liquor has been reduced and made cheaper, what will be the result? Consumption will increase and it appears that it has actually happened so. It appears that the actual income under head "Provincial Excise" was 1 crore 36 lakhs 37 thousand in 1936-37. It increased to 1 crore 65 lakhs 28 thousand in 1939-40. Again, it is expected to increase to 1 crore 75 lakhs in 1941-42, *i.e.*, during these four years practically it has increased by 30 lakhs and 63 thousand, and now the only important question is under what head it has increased. It appears that it has increased under the heads country spirit, fermented liquor, opium, hemp and other drugs and not so considerably under the head counry liquor or foreign liquor. The actual income of country spirit in 1936-37 was 42 lakhs 81 thousand, in 1941-42 it is expected to increase to 66 lakhs. Under this one head there is an increase of nearly 24 lakhs. That is, as compared with 1936-37, there will be an increase of about 5 lakhs under the head fermented country liquor and 5 lakhs under opium and 4 lakhs under hemp and other drugs and a total of 36 lakhs out of 38 lakhs. It is really sad to think how the beneficial policy of gradual reduction of consumption of all these kinds is being followed in Bengal. I draw the serious attention of the Ministry to the state of things prevailing now in the districts. It appears that no attempt is being made to give effect to the Ministry's policy of gradual reduction of consumption of liquor. On the contrary, shops are increasing and consumption is also increasing.

The next point that I want to deal with is the apparent increase under the head "Police." This is a matter which has been engaging the attention of the people of Bengal for many years. Incessant and constant agitation has been going on in the country and cries from every platform and press are being raised, so also inside and outside the Council, that the expenditure under this head should be reduced. But what do we find, we find that in 1936-37, the total expenditure under this head was 226 lakhs 79 thousand and during the course of 4 years there has been an increase of 11 lakhs, for this year the

expenditure under "Police" has been shown as 238 lakhs 45 thousand. It has already been stated by other speakers that other provinces spend less than Bengal and in some cases Bengal spends nearly the double of other provinces. This is a matter which requires investigation by an Expert Committee consisting of officials and non-officials. Of course, the efficiency of the police force in Bengal should be kept. A case has been made out and time has come for the overhauling and reorganisation of the entire Police Department with a view to reduce the expenditure without impairing the efficiency of the police force in any way.

Then there is another item, the item of education. I am fully conscious of the fact that expenditure under the head "Education" has increased to some extent, to the extent of Rs. 59 lakhs as compared with that of 1936-37. But if we analyse the different heads of expenditure what do we find? We find that a big sum of 59 lakhs has mostly been appropriated, or if I am allowed to say, by misappropriation for higher education and only a quota of 23 lakhs has been given to primary education. Sir, primary education is a vital necessity. There is no two opinions in the country about that. Every citizen has a birthright to have primary education.

Primary education is the substratum on which a nation's structure of progress is built. I must say that Bengal's expenditure as compared with that of other provinces is still very low in spite of this increase of 23 lakhs. In 1937, 1938 and 1939 Bengal spent only 86 lakhs on primary education, while Madras spent 1 crore 82 lakhs and Bombay 1 crore 18 lakhs, and so on; and out of this 86 lakhs the provincial revenue contributed only 23 lakhs; and after four years of provincial autonomy, what do we find? We find that that sum of 23 lakhs has been increased to 45 lakhs only, while Bengal should require a huge sum for free and compulsory primary education. Of course, the Ministry should be congratulated to some extent for the steps that are being taken and will be taken to spread primary education. I know that a large number of District School Boards have been established and are at work, and a cess is realised from the people for this purpose; therefore the Ministry deserves the special thanks of every right-thinking man for this. In this connection I think, Sir, that with all respect I must refer to the speech of Mr. Birendra Kishore Roy Chowdhury while criticising the Government's budget yesterday. He made a remark which appears to be self-contradictory. He said that the Ministry had failed in its duty to better the lot of the agriculturists, and at the same time he attacked the Primary Education Act of 1930 and the District School Boards set up under that Act, saying that they were communal bodies. Sir, the word "communal" has become a catchword to some of our politician friends. Whenever an institution is set up or a project is carried out which ministers to the legitimate interests of the Muslims, the person at whose instance that

is done and the institution as well as the project are at once dubbed as communal. This mentality has become very familiar now; it is very unfortunate and will ruin the good relations that exist between the two communities in India. I only regret that he made this remark and I emphatically say that that remark is not correct. District School Boards may commit some blunders in this respect, but to style whatever is done by the Muslim community for its own welfare as communal is hardly fair and does not show unbiassed judgment. Then, there is another aspect. It has been said in this House that the Ministry has failed to provide the necessary money for the nation-building departments. On comparing the figures provided in our budget estimates with those of the other provinces, I find that Bengal in no way compares unfavourably. I also find that Bengal is coming up to the normal standards of expenditure specially in matters of agriculture, industries, etc., and it compares very favourably in these matters and also in matters regarding public health, etc., with other provinces in India.

I am giving figures from the year 1940-41:—

Medical.—Madras spent Rs. 23 lakhs and odd, United Provinces spent Rs. 37 lakhs, Bombay spent 56 lakhs, Punjab spent 51 lakhs, and Bengal spent 57 lakhs.

Public Health.—Madras spent 28 lakhs, United Provinces spent 23 lakhs, Bombay spent 31 lakhs, Punjab spent 26 lakhs, and Bengal spent 46 lakhs.

Agriculture.—Madras spent 20 lakhs, United Provinces spent 20 lakhs, Bombay spent 12 lakhs, Punjab spent 40 lakhs, and Bengal spent 72 lakhs.

Industries.—Madras spent 26 lakhs, United Provinces spent 21 lakhs, Bombay spent 7 lakhs, Punjab spent 21 lakhs, and Bengal spent 21 lakhs.

So these figures tell their own story. Sir, it is not proper to say that the figures under nation-building departments are inadequate. It appears that since the inauguration of Provincial Autonomy under the different heads of "Education," "Medical" and "Public Health," "Agriculture and Industries," there has been an increased expenditure of Rs. 1,31 lakhs: of this the largest increase is under "Education." Out of the additional revenue of Rs. 4,55 lakhs only one-fourth has gone to the nation-building departments. In this connection I may say that Bengal has lost an opportunity of increasing the allotment to the nation-building departments. The Bengal Government have got from the Central Government a sum of Rs. 2 crores by way of contribution from jute export duty: that sum could have been diverted towards nation-building departments. But it seems that the whole amount has been diverted to other than nation-building departments, so Bengal will not be able to progress as rapidly as she should.

Sir, another important matter to which I would draw the attention of the Hon'ble Finance Minister is the grant for the Chittagong College which has been omitted in this year's budget. The Chittagong College is a first grade college, and it requires expansion and improvement. There are several projects pending—one project costing Rs. 17,000 for the laboratory and other improvement which has been pending for a long time, but no money has been provided. All the monies have been taken away by other districts, but Chittagong has not been properly dealt with. With these words, I conclude my speech.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council adjourned till 2-15 p.m. on Thursday, the 27th February, 1941.

Members absent.

The following members were absent from the meeting held on the 26th February, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.
(2) Khan Bahadur Rezzaqul Haider.
(3) Mr. Narendra Chandra Datta.
(4) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(5) Mr. Mohamed Hossain.
(6) Khan Bahadur Syed Muhammad Ghaziul Huq.
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(8) Khan Bahadur M. Abdul Karim.
(9) Khan Bahadur Muhammad Asaf Khan.
(10) Maulana Muhammad Akram Khan.
(11) Mr. Naresh Nath Mookerjee.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 27th February, 1941, at 2-15 p.m., being the eighth day of the First Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Increase in the number of sales of occupancy holdings.

18. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that during the year 1939, in Bengal there was abnormal increase in the number of sales under section 26C of the Bengal Tenancy Act, i.e., of the occupancy holdings, which went up from 242,583 in 1938 to 500,224, showing an increase of 106·2 per cent.?

(b) Is it a fact that this abnormal increase in sale is due to the operation of the Bengal Tenancy (Amendment) Act of 1938?

(c) If so, will the Hon'ble Minister be pleased to state if he has made any enquiry into the causes of this abnormal increase in sale of an occupancy holding? If so, will he be pleased to state what are the causes of this abnormal increase?

(d) If not, does he propose to make an enquiry into this matter?

(e) Will the Hon'ble Minister be pleased to state what measures he has already adopted or proposes to adopt to arrest this abnormal sales of occupancy holdings in Bengal?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) Yes, the number of sales of occupancy holdings increased to an appreciable extent during the year 1939.

(b) The increase may be largely ascribed to the general economic depression and the agricultural calamities which affected some parts of the province during the year and also to contraction of credit in the country side.

(c) to (e) No special enquiry is called for, as there is a marked tendency towards decrease in sales since last year.

Mr. HUMAYUN KABIR: Arising out of answer to part (*d*), will the Hon'ble Minister be pleased to state if the operation of the Bengal Tenancy Amendment Act, 1938, had any influence on these large sales?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Personally, I do not think so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to the answer to part (*b*) that it was partly due to contraction of credit in the country, what has the Government done to overcome the effects of this contraction of credit in the countryside?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as is very well-known to the members of this House, Government have been distributing large amounts as agricultural loans; they have also advanced money to the Central Banks for distribution.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Evidently, that has not been sufficient to arrest this abnormal increase in the number of sales.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, probably that had some effect, because the number of sales has come down; and I would attribute it partially to the circulation of a larger amount of money advanced by Government.

Mr. RANAJIT PAL CHAUDHURI: What are the reasons for the contraction of credit in the countryside?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not want to express any opinion. I will leave it to the imagination and intelligence of my honourable friend.

Mr. RANAJIT PAL CHAUDHURI: Has the Bengal Agricultural Debtors Act anything to do with it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The situation is supposed to be partially due to the operation of the Bengal Agricultural Debtors Act.

Mr. HUMAYUN KABIR: Apart from grant of some crop loans, have the Government made any arrangement for providing permanent credit institutions in the rural areas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what are these?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government advanced a large amount—I think about 60 lakhs of rupees—to the Co-operative Societies, and also Government directly arranged to advance short-term loans to the agriculturists. I think, last year it was about 5 lakhs.

Mr. HUMAYUN KABIR: Have the Government taken any steps towards the establishment of Land Mortgage Banks as a partial solution of this problem?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Some banks have been already established.

Mr. HUMAYUN KABIR: May we know the number of such banks?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe the number is five.

Mr. HUMAYUN KABIR: Also may we know the localities in which they are placed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question should be put to my colleague in charge of the Co-operative Credit and Rural Indebtedness Department.

Failure of crop in Bankura.

19. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether he is aware that there has been failure of (paddy) crop in the district of Bankura for failure of monsoon and timely rain; and

(*b*) whether he apprehends any widespread or partial distress in the said district; if so, what steps are being taken to relieve the same?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) There has been a partial failure of paddy crop in some scattered parts of the district for want of timely rain.

(*b*) Some distress is apprehended in the affected area.

A sum of Rs. 15,000 has been sanctioned for distribution as ordinary agricultural loans and a sum of Rs. 5,000 for distribution as land improvement loans in the district. The Central Co-operative Bank has also advanced crop loans to the extent of Rs. 24,192 in the district.

Steps are being taken to improve a number of tanks under the Bengal Tanks Improvement Act as test works. Further measures will be taken as and when necessary.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*b*), may I know which portion of the district the Hon'ble Minister is referring to?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Famine in Narail Subdivision.

20. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether there has broken out a famine in the unions of Chandibarpore, Singia Durgapore, under the jurisdiction of Narail police-station in the district of Jessore?

(*b*) Is it a fact that the Subdivisional Officer of Narail visited the affected area and gave some monetary help to famine-stricken people out of his own pocket?

(*c*) If answers to clauses (*a*) and (*b*) be in the affirmative, what steps have been taken by the Government or are intended to be taken in this matter? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) The Subdivisional Officer distributed a very small amount to some beggars.

(*c*) Does not arise.

Mr. K. C. ROY CHOWDHURY: Arising out of (*b*), is not begging due to scarcity and famine in portions of this area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Even in bumper years there are famines in the countryside.

Mr. HUMAYUN KABIR: Since when Government is distributing money to beggars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe, Sir, the officer did it himself.

Mr. HUMAYUN KABIR: Are we then to understand that Government money was not distributed to these beggars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so, Sir.

Mr. HUMAYUN KABIR: It was not Government money?

The Honb'le Sir BIJOY PRASAD SINGH ROY: I speak subject to correction.

Piece system work in the Bengal Government Press.

21. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether he is aware of the fact that all the piece employees of the Bengal Government Press applied to the Government in 1937 for the abolition of the piece system in favour of the salary system;

(*b*) is it a fact that at a conference between Mr. N. R. Sarker, the then Finance Minister of the Government, Mr. N. M. Khan, I.C.S., and Mr. G. W. Davis, Superintendent, Bengal Government Press, on behalf of the Government, and Mr. Mrinal Kanti Bose, President, Press Employees' Association, Mr. K. C. Roy Chowdhury, M.L.C., and Mr. Latafat Hossain, M.L.C., on behalf of the Press employees, it was decided that the piece system would be abolished in favour of the salary system; and

(*c*) if the answer to clauses (*a*) and (*b*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken towards the fulfilment of the said decision?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) As a result of the Conference referred to by the honourable member, the Superintendent, Government Press, was instructed to work out, for the consideration of Government, a scheme for the introduction of time-scale salaries in place of the piece system.

(*c*) The proposals of the Superintendent, Government Press, are under examination.

Mr. K. C. ROY CHOWDHURY: Arising out of answer to part (*c*), will the Hon'ble Minister be pleased to state when these proposals are going to materialise into concrete action?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have always refrained from making guesses, but I think I shall be able to give a satisfactory reply in time. I may, however, point out to him that these proposals are very complicated and they will take some time. I hope the results will be satisfactory.

Appointments in the machine and binding departments of the Bengal Government Press.

22. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) what is the number of Bengali Hindus, Bengali Muslims, Anglo-Indians, Indian Christians, non-Bengali Muslims, non-Bengali Hindus, respectively, who are employed in the machine and the binding departments of the Bengal Government Press; and

(*ii*) how many members from each of the above communities have been given appointments in the machine department and the binding department of the said Press within the last ten years?

(*b*) Do the Government propose to maintain the communal ratio in the above-mentioned departments as was laid down some time back in a Government resolution?

(*c*) If the answer to part (*b*) be in the affirmative, will he be pleased to state what steps have been taken to adjust the ratio in the above departments of the Bengal Government Press?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A statement is placed on the Library table.

(*b*) Appointments in the machine and binding departments are governed by the Bengal Services Recruitment Communal Ratio Rules.

(*c*) Whenever a suitable non-Muslim candidate has been available, he has been appointed.

Excise vendors in Midnapore and Bankura.

23. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) the number of excise shops (dry and liquid) at present existing in the districts of Midnapore and Bankura;

(*b*) the names of the shops and the names of vendors in the case of each of them; and

(*c*) what procedure is followed when a vendor of a big shop dies or is removed for some reason?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Midnapore 554 and Bankura 279.

(*b*) It would take too much time and trouble to collect the information. The names of the shops are published in the district before the annual settlement.

(*c*) Preference is given to near relatives under certain conditions. Otherwise the vacancy is either advertised and settled with the most suitable candidate or it is filled by the promotion of a vendor who has proved himself capable in a smaller shop.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what are these conditions under which preferences are given to relatives of vendors?

The Hon'ble Mr. PRASANNA DEB RAIKUT: If there is a son of a vendor and if he is capable of running a shop, then he is given preference.

Mr. HUMAYUN KABIR: With regard to the answer to part (*c*), will the Hon'ble Minister be pleased to state what are the conditions of settling the shops with a more suitable candidate—are these shops farmed or auctioned?

The Hon'ble Mr. PRASANNA DEB RAIKUT: They are not auctioned.

Rai Bahadur MANMATHA NATH BOSE: Arising out of answer to part (*c*), are there any rules for letting out shops after the death of the vendor?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, there are certain rules.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister consider the desirability of auctioning these shops when there seems to be a demand for them?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Not in every case and everywhere, but in certain cases.

Mr. HUMAYUN KABIR: I mean whether the Government is considering the desirability of auctioning by advertisement or otherwise, when it is found that there is a demand for these shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Not everywhere.

Mr. HUMAYUN KABIR: Perhaps the Hon'ble Minister could not understand me properly. I wanted to ask whether Government will consider the desirability of considering the question of auctioning these shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Will the honourable member please repeat the question?

Mr. HUMAYUN KABIR: All right. Will the Hon'ble Minister please consider the question of auctioning the shops where there are more than one applicant for a shop?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, Government may consider it.

Mr. RANAJIT PAL CHAUDHURI: With reference to the answer to part (*c*), is it a fact that relations out of marriage are given the first preference?

Mr. PRESIDENT: Order, order. The House will now resume the general discussion on the budget.

GENERAL DISCUSSION OF BUDGET.

Mr. KAMINI KUMAR DUTTA: Sir, the Hon'ble Finance Minister has unequivocally expressed the views of Government to hold in abeyance all schemes of development and to abandon all ideas of extension of the social services so as to leave the additional taxable capacity of the provinces free to be tapped to the fullest extent for the paramount requirements of the Centre.

It is a rightful attitude, Sir, and we are in full accord with it. I will not dilate on the dismal history of the financial allocation which is thoroughly inequitable. We have to make the best use of the resources available to us. In giving my opinion about the Budget, I do not propose to go into details, for the details have been dealt with very ably by other honourable members of this House. I would only deal with one particular aspect of the financial statement, namely, that it absolutely lacks any background of a well-planned scheme for the

uplift of the masses. It has been said by the Hon'ble the Finance Minister, and I agree with him in this respect, that all progressive Governments in the discharge of their manifold responsibilities must necessarily go on increasing their scale of expenditure on nation-building activities. Sir, there can be no quarrel on this point. The duty of every progressive Government is to open up new avenues of livelihood for the people committed to their care and for that certainly some amount of taxation is inevitable. But before any such taxation can be justified and before the people can be called upon to bear the burden of such tax, they must be satisfied that the money realised from the tax would be utilised for the uplift of the masses. Mere sporadic and makeshift attempts with the shibboleth of "nation-building" repeated *ad nauseam* will not do. Often it happens that when there is no well-laid plan but only makeshift programmes which are sought to be passed off under the name of nation-building, the money raised under certain taxes is diverted to undesirable channels. So, behind a budget, which is a real budget, which has a mind behind it and which has a real desire at the background to serve the people and uplift the nation from the morass of poverty, there must be a well-laid-out plan. I do not for a moment suggest that a miraculous change should be made at once. But work has to be begun. There must be a well-conceived plan to be carried out with the object of ameliorating the condition of the masses, to develop new sources of livelihood; and that can only be achieved if a well-planned scheme is prepared. One looks in vain to find a well-laid plan in the budget. What is really wanted is ground-work and we nowhere find in the statement made by the Hon'ble Finance Minister that a ground-work has been made for the uplift of the masses. This is the grievance of the people. It is not an imaginary grievance but a real grievance, and the sentiment of my party in this respect is shared by a considerable section of the people of the province—by those who have carefully studied the present financial statement of the Hon'ble Finance Minister. The Hon'ble Finance Minister has said that there is no use shutting our eyes to the fact that without further taxation we cannot cope with the requirements of a province so starved and ill-equipped as Bengal. If really the Hon'ble Finance Minister and the present administration begin rural uplift work and place before the country a plan for increasing the productive capacity of the province, I can assure him that all sections of the people will whole-heartedly support him. But no makeshift programme of work placed before the House at the fag-end of the term of the present Ministry will induce the people of this province to agree to bear burdens of fresh taxation, as it is clear to the meanest intelligence that the money thus raised would be diverted for party purposes. The country shall judge the present Ministry very rightly and may judge it harshly. Before any new taxation measure is passed by the House, the representatives of the people must

be assured that the receipts therefrom would be applied for the amelioration of the condition of the people. The Congress as a party is not opposed to new taxation. It is prepared to give full support to a taxation measure if it is meant for the real uplift of the rural people and not for ulterior objects in the name of nation-building departments.

Maulvi ABUL QUASEM: What are the ulterior objects?

Mr. KAMINI KUMAR DUTTA: I am not going to answer the honourable member. You shall hear it when I shall deal with the other portions of the budget statement. Sir, I join issue with those honourable members of the Coalition Party who have said that drastic retrenchment is not possible. In reply to a certain question put yesterday, the Hon'ble Minister——

The Hon'ble Mr. H. S. SUHRAWARDY: Do you object to it?

Mr. KAMINI KUMAR DUTTA: We do not object to it. We maintain that drastic retrenchement is required. The Hon'ble Minister in reply said that further retrenchment was not possible in the services. I say that that plea has no legs to stand upon. Retrenchment has to be made in the higher services. If it is said that there will be discontent in the services, then the only reply to them would be this. Look at the countries engaged in the present war. There they are sacrificing everything for the cause of the country. There the people are coming forward to join the public services not for the sake of emoluments but for furthering the interest of the country. Sir, it must not be supposed that I want retrenchment in the pay and emoluments only of the higher services, but I have in view also the members in the Legislatures as well as of the Hon'ble Ministers. All must be ready for sacrifice; all must be ready to serve with the least possible emoluments. What I feel, Sir, is that a maximum limit for emoluments ought to be fixed, and, if after the fixing of such a maximum limit, some members of the public services refuse to work on that scale, they should be left free to walk out. There are other people in the country who will be found ready to undergo that sacrifice for the sake of their country. This is the time for sacrifice from all sections of the people of the country. The emoluments and allowances must be fixed at the lowest possible limit which is commensurate with the financial resources of this province. Unless you make a beginning on this line, you will only be adding fresh burdens of taxation on the shoulders of the poor people of this country. Retrenchment has to be made and that of a very drastic nature. I may assure the Hon'ble Finance Minister that if he would agree to this proposal which has emanated not only from the Congress Party but

from several prominent members of the Coalition Party as well, and if he gives an assurance that money raised by taxation will be utilised for schemes calculated to make for the uplift of the nation, he will have the co-operation of my party too. It is no use coming here with the plea that there will be discontent in the Public Services when the war is going on. We boldly say that discontent of that sort of people would not affect the administration and would not affect the country in the least. Nobody knows what would happen, but the face of the whole world is being rebuilt. This is not the time for personal emoluments or anything of that kind. This is the time for sacrifice. This is the time when we must prepare the whole country for the maximum sacrifice in order that we may live as a nation under the sun.

Now, Sir, referring to some of the items, first of all, I would like to refer to agriculture. I find it has been admitted that agriculture has been neglected, although agriculture is the mainstay of the people of this country. One is tempted to call it almost a culpable negligence on the part of those who are in charge of the administration. Sir, my considered opinion is that in order to really help our people in the rural areas, the administration must adopt steps to make agricultural knowledge accessible to the poor people; starting a college here and there will not do. (The Hon'ble Mr. H. S. SUHRAWARDY: Absolutely correct, we agree.) Agreement will not do, you must put it into practice. Agreement in theory would not suffice. It has now been an accepted principle that by increased production alone, Bengal can meet the situation which has been created by low prices and intensive competition. In dealing with this matter of agriculture, one should consider also the other aspect, namely, that marketing facilities must also be afforded. Marketing of agricultural produces is the crux of the whole problem. Everybody knows that group-marketing is always more effective than individual marketing and group-marketing does not exist in our country. No provision has up till now been made for group-marketing.

Let us now turn to the question of irrigation. I do not propose to dwell to-day on the merits or demerits of big schemes of irrigation. There are many parts of East Bengal, I mean the low-lying portion of East Bengal—where small irrigational schemes would improve a vast area which are lying unfit for the growth of any crop. I can speak from personal experience that for some areas in my own district of Tippera, I approached the Irrigation Department, but did not get any response. These tracts are lying unfit for any crop and can be made fit for growing crops if some amount of money is spent by the Irrigation Department.

Then as regards education. It does not require advocacy from any one to show that education is the prime necessity of the country; but I may be excused if I say that it appears that there seems to be a

base imitation of the totalitarian method even in the sphere of education. I call it a base imitation, because the idea of those who follow the totalitarian doctrine in our province is that they must inculcate only that mode of education which would subserve their party interests. I would appeal that that sort of totalitarian mentality must be avoided altogether. Real education must be fostered in the country which will create a race of healthy citizens in Bengal.

Sir, I welcome one item in the Budget Statement and that is with regard to the provision made for adult education. Adult education is an imperative necessity for the country. But in that respect also I will sound another note of warning. No doubt the principal object in giving this adult education is to help the villagers to overcome their difficulties and apathy and make them take an interest in life. But adult education is not mass political propaganda. There is a grave danger that this machinery of education may be converted into a means of furthering the interest of a particular political group. I only desire that mass adult literacy campaign may not degenerate into a campaign for political propaganda. Sir, I will not take up further time of the House.

Mrs. K. D'ROZARIO: Mr. President, Sir, I would like to associate myself with those who have seen fit to congratulate the Hon'ble the Finance Minister on his comprehensive and business-like budget statement. I feel that he deserves the approval of this House for his enterprising proposals for the coming year, even though their fulfilment will necessitate, as a pre-requisite, the pasing of the much-discussed Sales Tax and the Motor Spirit Taxation Bills. I am convinced that the expansion of our nation-building activities must needs proceed under any circumstances, and I am glad to note the courageous stand adopted by the Hon'ble Minister in this matter.

I would like to comment on the grants for Anglo-Indian education. An examination of the grants for this item, when compared with the grants for general education, reveals the following facts. The statutory minimum for Anglo-Indian education is Rs. 11,30,000. The provision in the budget exceeds the figure by Rs. 21,000, or less than 2 per cent. In the case of general education the budget provision exceeds the average of the ten years ending in 1933 by well over 30 per cent. I am aware of the great need for an improvement in general education and would be the last person to suggest that Anglo-Indian education stands in the same need, but I would be glad of the Hon'ble Minister's assurance that Government's policy in regard to Anglo-Indian education is not framed in terms of the mere meeting of its statutory obligations.

With regard to medical grants, I would like to draw the Hon'ble Minister's attention to the urgent needs of the nursing services. I have

the privilege of serving on various bodies connected with nursing, and am sorry to have to remark that the actual position lags behind the desired level.

The inadequacy of nurses in the Medical College group is glaring. The position in the Campbell Hospital is even worse. In fact, I feel that the entire nursing arrangements of these institutions should be the subject of an enquiry and overhaul. Adequate funds are, of course, the most important factors in any readjustment. I do not know and I dread to think what the position in some of the lesser institutions is.

What I have seen has convinced me that the majority of hospital nurses in Calcutta are good-natured, under-paid drudges. The Hon'ble Minister will remember the promise of Government to a deputation from the Anglo-Indian community that with a view to enabling locally trained nurses to be recruited to the superior nursing posts in the Calcutta Hospitals, selected candidates should be sent abroad for higher nursing education. The war has rendered this impossible, but how far has Government gone with the alternative scheme of providing equivalent training facilities in this country?

Finally, I have to add a word on the bearing of the war situation on the budget. The concluding remarks of the Hon'ble Finance Minister's statement deals with the very debatable question as to whether every rupee spent in this province over and above that necessary to maintain the administration at last year's level is not a rupee diverted from India's war effort. I am afraid that I do not possess the necessary financial acumen to offer an opinion on this very technical issue. If, however, we recognise that our needs must be subordinated to the Centre's until victory is achieved, then it occurs to me that Government should satisfy itself that its budgetary policy will not in any way hamper the paramount needs of the Centre in this supreme struggle.

Mr. HUMAYUN KABIR: Mr. President, Sir, I would have been very glad if I could congratulate in an unqualified manner the Hon'ble the Finance Minister for the able statement he has placed before this House with regard to the financial position of the province. For, I confess I have some respect for the opinion he has expressed in certain parts of his statement. Unfortunately, in spite of some redeeming features here and there, the budget statement is not one which can demand congratulations from any section of the House. I think that has been sufficiently borne out by the remarks made even by members who belong to the party which is pledged to support the present Government. Even they, after a few words of formal congratulations, made remarks and criticisms about the failure to carry out the plans and schemes and about the lack of a policy of this Government during the last four or five years.

Sir, from one point of view the budget this year is a particularly important one, because this is in a sense the fifth budget and the last budget of the present Ministry, since the inauguration of the Provincial Autonomy in Bengal. In normal circumstances, it is likely that the new budget would be presented by a new Cabinet with new figures. I can assure the Hon'ble Minister that if the present Ministry cannot evade the general elections, there will certainly be some changes in the present composition of the Bengal Cabinet. Sir, I yet congratulate the Hon'ble Minister on his able statement of the financial position. The sentiments expressed towards the end of his financial statement are certainly very fine and we entirely agree with them. But I regret to say that we do not find any provision or policy which is directed towards realising these sentiments.

I may say that there are also the threatened consequences of a deficit budget. I think by this time this House and the other House have probably realised the secret of the situation created by such artificial scares. The honourable members of this House will remember that two years ago when the previous Minister in charge of Finance presented his budget, we were presented with a deficit budget—a deficit of a crore. Last year, when the present Finance Minister presented his first budget in this House and in another place, we were again faced with a similar statement. In the last two years, however, the deficit budgets in fact turned out to be actually surplus budgets, and I have very great suspicion that this year also we shall be placed in a similar situation. This time also when the year ends, the Finance Minister of the province will come forward once more with the plea that he had made a mistake in calculation and the result is a surplus, not a deficit.

Then, Sir, in the budgets presented successively by the present Cabinet, there have always been unused appropriations. Every year there are unspent balances and the nation-building departments are deprived of the money for want of proper plans and policy. Sir, I do not want to dilate on this point as several other speakers emphatically and eloquently spoke on the subject—as to how in spite of malaria and other fell diseases prevailing in the province and in spite of the lack of education in the province, in spite of the great distress and poverty prevailing in the province, appropriations in the nation-building departments have been left unspent.

Then, Sir, I agree with the feelings expressed by a member on the other side of the House with regard to the unemployment problem of the province. It is quite true that Government must do something for the unemployed educated youths of the province. There is no escaping the duty in this respect. So long as the Government is a popular Government, so long as it is responsible to the people of the province, it must check the manner in which the unemployment problem is growing. I would not repeat all that has been said with regard to this matter even

by the supporters of the present Ministry. Government must tackle the growing unemployment problem, especially among educated youths in this province—this, Sir, applies to Hindus, Muslims as well as to Anglo-Indians and Indian Christians. Among all these communities there is a large number of unemployed but employable youths. I am afraid that if this problem is not tackled properly at this stage, it may become a very grave menace to the peace and prosperity of this province.

I will not also dilate to-day on the many suggestions we have on different occasions made about the absorption of these educated unemployed in the nation-building services. We have on previous occasions suggested the imposition of an agricultural income-tax. We have also suggested the levy of some tax like the Jute Processing Duty on the lines of the Cotton Processing Duty prevalent in America. But we find, Sir, that the Government is not prepared to consider any of the taxes which will affect the rich. All their measures are directed towards taxing the poor, and just now before this House and in another place, we have to consider Bills which will impose additional burdens upon the poor. These measures I do not want to consider to-day. I am sure the Hon'ble Finance Minister will himself realise that if there is a large scale industrialisation of this province, as many speakers from the Coalition and from this side of the House have suggested,—from facts and figures we have seen that there is room for large-scale industrialisation so far as this province is concerned, *e.g.*, in cotton textiles, in chemicals,—if such undertakings are started, this will not only absorb a very large proportion of the educated unemployed of the province, but it will also increase the wealth of the people and thus would go a long way towards improving the financial position of the province.

Again, Sir, primary education has not been attended to in a very serious manner. There, I think, is another avenue for dealing with the educated unemployed which Government cannot ignore. Again, if social services are extended, if we can provide a dispensary in every union, provide a hospital for every two or three unions, appoint a doctor for every two unions, here again a very large proportion of the educated unemployed can be absorbed.

These are all schemes which require money and we are aware of it. If the Government show any desire or capacity to really undertake any measures which will in this way develop the nation-building services, the Hon'ble Minister will, I am sure, find all sections of the House always ready to vote the necessary money. We are not afraid of taxation as such, if such taxation is equitably distributed, if the taxation is directed towards those who can afford to pay; if the rich are taxed to beautify the conditions of life of those who suffer from the handicaps which circumstances or misfortune has placed them in. But

unfortunately, as I said before, the taxation policy of this Government does not affect those who are capable of paying. It is not directed towards the unearned income of the landlord and landowner, nor towards the unearned income of the jute and other mills. Many jute mills, the Electric Supply Corporation and other concerns of this province are paying very heavy dividends even in the very difficult conditions of to-day. Our Government won't look to these avenues of taxation. But they must confine themselves to the Sales Tax. They will look towards adding a few more pence or a few more pice on the heavy burden which the agriculturist, the poor cultivator, has already to bear. If Government develop the national services, the social services, the educational services, the services for the provision of medicine and sanitation, and if the money is raised by taxation from those who are able to pay, Government will find that from this section of the House they would always get support, and I am sure that honourable members of the Coalition Party also would always support measures of this type.

I would again point to another great lacuna in the policy of the present Government. For the last 4 years we have had hardly any large scale irrigation scheme. We all know that so far as potential wealth is concerned, there is no comparison whatsoever between the Punjab and Bengal; and yet through large-scale irrigation works, through a proper development of the resources of the province, the Punjab peasant is to-day in many respects the most well-placed peasant in the whole of India. This is so because the Government there definitely planned for the improvement of the condition of the agriculturists. The condition of the agriculturists in the Punjab is worth envying and emulating. But unfortunately in Bengal we find that such things are always absent. Such schemes have always been lacking, and even to-day we do not find any suggestion, any inkling that the Government have either the desire or the capacity to present any such schemes before the Legislature.

Sir, I will not dilate on the item of Prohibition, as much has been said about this question. It was rather interesting to find two honourable members of the Coalition Party contradicting each other with regard to the Prohibition policy of the Government. There was one honourable and distinguished member of the Muslim League who made an amazing statement regarding Prohibition. He said that it was as dead as mutton. I do not know if that is the policy of the Muslim League or if that is the policy of the present Bengal Cabinet. I hope the Hon'ble Minister will make a definite statement as to whether Government is following the policy of gradual Prohibition or gradual abolition of Prohibition. Because actually this is the case for the past few years. An assurance was given on the floor of this House that gradual Prohibition would be taken up. The real effect of Government policy has been the gradual abolition of Prohibition so far as this province is concerned. Sir, in

answer to a question it was said in this very House that the increase in the excise revenue has been due not to the consumption of costly and expensive liquors which are imported from foreign sources, but through increase in consumption of country liquor. There is not the least doubt that the country liquor is consumed not by my European friends on my left, but by the agriculturists, by the poor labourers, by the cultivators and by the tillers of the soil about whose interests the present Bengal Cabinet has been so vehemently professing its interest.

Sir, to-day I want to deal primarily with the problem of jute. I do not know if the present Cabinet can stand before the bar of public opinion and dare face their criticisms on this one question. They will then know what the public of Bengal feel about them to-day. For 4 years they have squandered away the national wealth of Bengal. They have played with jute in a way which has gone against the interest not only of the cultivators, not only of the agriculturists but also of those who are genuine traders in jute, of those who have a lasting interest in the business of jute. For the first two years of provincial autonomy, whenever we suggested that compulsory regulation of jute crop is necessary, this Cabinet would not take us seriously. Whenever we suggested that there should be a minimum price fixed for jute, there should be licensing, Government was disposed only to laugh at it. When we pressed the point of minimum price of jute, they said, and I think I am not misquoting the words of an Hon'ble Minister when I say that he replied that it was as impossible to fix the price of jute as it is impossible to fix the fees of a Barrister or a Doctor. But, Sir, strange things are happening. Some time after this categorical statement, we find the Hon'ble Minister issuing Ordinances after Ordinances in order to deal with the jute situation and thus interfering with the normal procedure of the jute market. I think it will be borne out by facts, and I compared the figures immediately after the fixation of jute price, that there was great reaction on the Futures Market. The most interesting feature about these Ordinances of the present Cabinet is that they were invariably issued after the jute had left the hands of the actual agriculturists, the actual cultivators. The price of jute was fixed at a time when there was nothing left in the hands of the agriculturists and that too at a price considerably lower than that obtaining in the market. Everybody knows that only the middlemen who speculate in the jute market got the benefit of this price. In this way, the genuine traders in jute are being eliminated. The policy of the present Cabinet is not to help the industrialists and still less the cultivators, but their policy seems to be directed, during the last few years, towards benefitting the speculators. Just about a year ago, we found all on a sudden a scheme for the survey and recording of jute lands. Even though there was vehement protest at that time from

members of the Opposition that any survey at such a time was not possible, because jute lands at that time were covered with water and could not be distinguished from other types of land, still the Government in their wisdom or rather in their lack of wisdom proceeded in their blind course of making a survey——

Mr. PRESIDENT: The Chair desires that the honourable member should bring his speech to a close now. This is the last day of the budget and many honourable members are desirous of speaking.

Mr. HUMAYUN KABIR: May I get five minutes more, Sir?

Mr. PRESIDENT: You see, my difficulty is that I shall have to call the Finance Minister to reply at 3-30 p.m. and he will have to reply to all the points raised in course of the debate. Besides, there are several members who are prepared to speak even for two or three minutes. So, it is for the honourable member to consider in these circumstances whether he will not conclude his speech now.

Mr. HUMAYUN KABIR: All right, Sir. I will be very brief and shall conclude in one minute.

Mr. PRESIDENT: I may also remind the honourable member that the jute question has been threshed out several times and Mr. Kabir has been speaking on this point for the last three minutes.

Mr. HUMAYUN KABIR: As I was saying, Sir, the money spent on this useless survey went to waste and not only the money from the public exchequer, but in course of the operations much money of the agriculturists also was lost. But, Sir, as the time at my disposal is short, I will not dilate on this matter any more. I only want to point out that the same process is taking place to-day. Before concluding. I feel disposed to ask for a piece of information from the Hon'ble Minister. Why is it that jute was purchased last year at a cost of 30 lakhs, jute which had already left the hands of the agriculturists? Why was it purchased by a big broker for the Government? Why is it that this 30 lakhs has not been mentioned so far as the receipts side of the budget are concerned this year? After all, this jute will be sold and even if it is sold at a loss,—and the present Government in its wonderful financial wisdom may sell it for even 10 lakhs—but still, the 10 lakhs should be shown in the Financial Statement of the Government. This was a point referred to by a member to my left, the Leader of the European Group, and I may reiterate it here. If public money is spent in speculation on jute—for I cannot call the Government action anything

but speculation—the public have a right to know what was the result of that speculation. As, however, many speakers desire to speak and my time is short, I will conclude my speech with this question.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I take part in the budget debate after a long lapse, and I wish I could congratulate the Hon'ble Finance Minister on his performance. I am sorry the budget discloses a detestable tale of deficit. The Hon'ble Finance Minister has lamented over the depletion of provincial revenues and has held out gestures of further taxation in the very near future. It is no use discussing the merits of fresh taxation proposals knowing that it will be a cry in the wilderness.

Sir, the Ministry has budgeted for a deficit of 1 crore and 34 lakhs of rupees. Well and good. But to what extent provision has been made for nation-building activities over which the Hon'ble Minister has waxed eloquent? In the revised estimate of expenditure an increase of 52 lakhs has been indicated of which only 7 lakhs go to nation-building departments. The term "nation-building" is again very widely interpreted by the Cabinet. We, common people, feel that the allotment for nation-building should go to real constructive work. But a big slice from that allotment is unfortunately wasted on the top-heavy administration. I hope that the angle of vision would undergo some change at least and the Hon'ble Minister would view this position from the same standpoint as he did when he adorned the non-official benches.

Sir, there is a progressive increase in expenditure on the personnel of the different departments, particularly under the head "Law and Order." Any suggestion towards reduction of establishment expenses is viewed with disfavour. But in this connection I would only request the Cabinet not to sacrifice efficiency for any other consideration in making appointments and promotions in filling up responsible offices—in the Police, Education and in Judicial Departments. Efficiency should be the sole criterion for promotion, so that the services may remain contented. It should be realised, however, that often the police officials work under a great handicap, as the recent Calcutta disturbance disclosed, and it is the duty of the Government to recognise the merit of able men in charge of the area for tactful handling. I would further urge that an able police official, be he a Hindu, Muslim, Anglo-Indian or European, should not be side-tracked in unimportant jobs, but should be properly utilised.

Before I take my seat, I would request the Hon'ble Finance Minister to have sympathy and consideration for the poverty-striken people of Bengal and reduce their burden of taxation. I would implore him to

allot more for solid nation-building works, and I can assure him of wholehearted support if he would try to wrest some more share of Bengal's legitimate dues from the Central Government's coffers.

Mr. DHIRENDRA LAL BARUA: Sir, during the last two days the budget estimates, as presented by the Hon'ble the Finance Minister, have been discussed and criticised from all possible points of view. I am glad to observe that many, including even the Leader of the Opposition, have congratulated the Hon'ble the Finance Minister on the business-like manner in which the budget has been presented.

We may take it that the scope of the budget as presented is clear and comprehensive. The criticisms and various suggestions offered were already anticipated. Listening to them as well as to the masterly introductory speech of the Hon'ble the Finance Minister I feel that I am landed in a world of paradox to be told that Bengal is the richest and at the same time the poorest of the major provinces, richest in contributing to the Central Exchequer for the benefit of other provinces and poorest in having no resources at her disposal to provide adequately for "nation-building."

The estimates placed before us propose indeed a slight increase in expenditure under all heads of what is termed nation-building; but the proposal is not without an impending danger. The estimated additional cost is to be met by resorting to fresh taxation. Even knowing full well that the trade in Bengal in general and the jute trade in particular is badly affected due to war situation, and that taxation in any form is unwelcome to the overtaxed people of the province, I wonder how the Hon'ble the Finance Minister hopes to make up the deficit by the forecasted income from two fresh measures of taxation. While we are in the midst of a world crisis and it is the bounden duty of one and all believing in democracy to find out and spare money for a successful prosecution of the war till the victory is won, I thought that the budget estimates would have been such as to maintain just the *status quo* of the administration, and the policy of the Government would be so directed as to save the people from starvation and economic collapse.

The trend of discussions, as I could follow, is towards pointing out that the peasantry, on whose well-being and prosperity depends ultimately the happiness and joy of the province, is not benefited. The schemes of irrigation works are to be materialised gradually for want of funds. Owing to the insufficiency of irrigation works, the cultivators have to depend mainly on rain water, which, disappointing them, they are faced with dire distress. They remain without any work for half the year, and no rotation crops can be grown on our soil due to this very cause. It has been rightly pointed out, I think, that

both the Bengal Agricultural Debtors and the Money-lenders Act, intended to relieve them, temporarily at least, of their heavy debts and liabilities by a sort of moratorium, have actually harmed them most. The labour is becoming landless. The price of foodstuffs is going up day by day. The loans granted by the co-operative credit societies are of no use to them. Of the two Bills, one at least, namely, the Sales Tax, unless carefully guarded against its misuse, is very likely to tell heavily upon the consumers besides jeopardising the trade of the province as a whole.

The trend of discussions is also to the effect that the Government have tried during the last four years to open new avenues for services at the expense of the wealth, comfort and happiness of the *raiyats*. It is very true to observe that the measures so far adopted have mainly been to create an infatuation for Government service. The result has been that the attention of all is being drawn away from agriculture, trade and commerce, the people forgetting the fact there is no Government under the sun that can afford to provide such a vast number of youths coming out of the schools and colleges with suitable jobs. This is certainly not the way of solving the unemployment problem.

Sir, I am not one of those who think that in the spread of primary education and the raising of percentage in literacy lies the panacea for all social ills. Educationally and culturally Bengal is sufficiently advanced to take care of her primary education without much State aid. What I mean to urge is that during the present world crisis these tasks may wait, but not the amelioration of the pitiable condition of the poverty-striken masses whose fate depends upon land and industry. Taking the estimates as they are, I cannot but express satisfaction that a sum of Rs. 34,600 has been provided for primary schools for boys and girls in the Chittagong Hill Tracts and a sum of Rs. 44,800 for secondary schools for boys only in the same district which is mostly peopled by the Buddhists. The actuals spent in 1939-40 on primary education are shown at Rs. 23,600 only, though the budget estimates for the year was for Rs. 32,400. The same as to the estimate and actual for the year before last. No provision has been made for the founding of a secondary school for girls. The surpluses under the head of primary education might have been profitably utilised in founding industrial and agricultural schools that are the crying need of the dwellers. It is only the improved method of agriculture and proper encouragement of home industries that can save the hill tribes who are fast dying out due to chill penury. A provision of Rs. 2,600 has also been made for scholarships for this district which I consider inadequate as compared with a large income derived from it in the shape of raw materials, cotton, timber, bamboo, etc.

Turning to Bengal proper, I may again observe with some sense of satisfaction that our popular Ministry has provided for a sum of Rs. 5,900 for Buddhist *tols*. But it is extremely distressing that no separate allotment has been made for the education of the Buddhist boys and girls in different parts of the province. I may say with confidence that the problem of Buddhist education in the whole of Bengal is essentially the same as in the Chittagong Hill Tracts, in view of the fact that the Buddhist community is composed of different tribes speaking different languages—Bengali, Burmese, Nepalese, Sikimese and Tibetan. Calcutta is the meeting place of the Buddhist students coming up for higher and technical education from all parts of Bengal. But no special provision has yet been made for a free hostel as has been done for students belonging to other minorities and backward communities. Had even a very modest sum of Rs. 20,000 been provided for encouragement of general and technical education including hostel arrangements, I may confidently say the Buddhist community as a whole would have made considerable progress by this time. I may further observe that silk-weaving industry having passed practically out of the hands of the Arakanese Buddhists settled in Cox's Bazar subdivision, they are reduced to extreme poverty. In my opinion, some provision ought to have been made in the budget for resuscitation of this industry amongst them. The Buddhists of Khepupara and Darjeeling district deserve a similar consideration.

Dr. KUMUD SANKAR RAY: Sir, I do not want to inflict a long speech because we are all anxious to hear the Finance Minister's reply. Before we really discuss the budget, I should like to refer briefly to the historical background which forms the basis of not only this budget but of the several budgets in the past years. Dr. Radha Kumud Mookerjee has ably pointed out the financial iniquities from which this province suffers. He showed in a very remarkable manner that Bengal with a population of 50 millions has to be content with a revenue of only 11 crores, and he also showed that even in those years when we had a little surplus at our disposal, that surplus was used up not by the nation-building departments but by the departments concerned with the preservation of Law and Order. Sir, it has been urged by almost every member in this House that more attention was paid to the department concerning Law and Order, and it seems to me also that the main principle or the main policy of the previous Governments had been that their first duty towards the public is the preservation of Law and Order. Preservation of life and limbs remained a secondary factor and the nation-building departments had to be content with small doles here and there.

Now, Sir, from the speeches made by the different members from all sections of the House and also from the budget statement

which was ably presented by the Hon'ble Finance Minister, it seems to me that a new angle of vision is coming into existence and a new era—if I may say so—might dawn. We are all looking upon the nation-building departments with a little more indulgence. The great difficulty in any nation-building work is the want of finance. The question of raising finances to meet the demands of the nation-building departments adequately has been suggested is by taxation. Now, whether the taxation is going to cause hardship or not, I am not going into details or going into the merits of that question. We must find money. If taxation is found to be very burdensome, why not try and find out whether it is possible like the Irish Free State to introduce a system of sweep or something like that. I do not know whether there will be any religious objection from some members to the introduction of a scheme of State lottery. But surely we can get over that objection by preventing those persons who have any religious objection from taking part in the lottery. We may raise a large amount of money which may well be utilized for nation-building purpose. Sir, compared to previous budgets we cannot blame the present budget very much because in the present budget we find that some attempts have been made to meet some of the pressing demands, if not all. I should first of all refer to the problem of dealing with tuberculosis, in which I have been taking considerable interest for the last 25 years. I must congratulate the Finance Minister for the provision of a sum of 1 lakh of rupees for the Jadabpur Tuberculosis Hospital and also for the assurance which he has given that he will not only provide this sum this year, but that for the next 5 or 6 years he shall continue to provide sufficient sums so that the scheme of expansion of that institution may be possible to enable the poor, who are suffering from tuberculosis, to be admitted to that institution in larger numbers. Sir, so long there was some difference of opinion whether in Bengal there should be a climatic sanatorium or not. I have always maintained that the people who get the disease must be cured of it in the place in which he is subsequently going to live. You cannot expect that the patients should stay in the hills for all time. Those who are rich, they can afford the luxury of trips to the hills. Majority of the patients are poor. I am, therefore, glad that Government has now thought proper to support the expansion of a hospital here near Calcutta and realised that the panacea for the solution of the tuberculosis problem is not the wild search for hill station alone. I, therefore, again congratulate the Finance Minister for providing this sum of 1 lakh for the only institution in Bengal which is at present catering to the needs of the poor patients.

Sir, the time at my disposal is very short, otherwise I would like to say more about other things. I want to say one or two words regarding public health matters which have been agitating the minds

of the people for some time. We have all urged that the question of rural medical aid is one of the most important problems. A charge has been made that there has been want of definite plans—comprehensive plans. It is not always possible to have very comprehensive plans because of the absence of data. I myself have been trying to formulate a Bill on health insurance on behalf of the Indian Medical Association. We have failed at the end, because we could not get the data which it is impossible to collect under the present circumstances by private agencies. We would urge upon the Government of Bengal now that they have been thinking of enlarging the provision of medical aid in the province to lose no time but appoint a committee—a small committee—composed of different sections of the House and explore the possibility of evolving a scheme. It may not be possible to give effect to this scheme in the rural areas at first, but it may be possible to give effect to it in the industrial areas. I understand, Sir, that some of the firms, some of the industrial concerns are running insurance scheme. I am saying of the Bata Company. They have introduced an insurance scheme for their own workers. I do not see any reason why some of the jute mills should not combine and evolve a workable scheme with the help of Government. That is a suggestion which I would humbly offer to the Government.

There is another welcome provision in the budget, and that is for the enlargement of the quinine factory at Mungpoo. In this connection, I would like to sound a note of warning that the House must not go away with the idea that Bengal is at once going to be independent in the matter of supply of quinine. To be effective, a quinine plantation would take at least 12 years to be productive. It is a great pity that this undertaking was not taken up many years ago to remove a long-felt want. We had been in our medical conferences urging not only on the Provincial Governments but also the Government of India to do something in the matter. You know, Sir, that at the present moment India produces about 70 thousand pounds of quinine and it imports 140 thousand pounds annually from Java. But owing to war, there may be great difficulty to get the Java quinine, and if this supply is not available, then what will happen to the malaria-stricken people in Bengal? So I am glad that in this matter at least a beginning has been made.

There are many other things which I wanted to refer to, but I shall only refer to one point which was also mentioned by Begum Hamida Momin, and that is the question of the training of nurses. India, particularly Bengal, suffers from a great dearth of nurses and at the present moment, the training of nurses is a by-product so to say. That is, there is no separate training institution for nurses. Their services are utilised as probationary nurses in the hospitals and after three years' hard work, they are allowed to appear at an examination.

In this connection I may humbly make a suggestion. The Government of Bengal has been multiplying the number of medical schools but their own expert body, namely, the Bengal Medical Council, has time and again urged on the Government that some of these medical schools for imparting training to medical students are quite inadequate for men going to practise the Western system of medicine. Some of these schools could be converted into training institutions exclusively for nurses, so that nurses could get their training in the mufassil where such schools are located. The Campbell Hospital has provided for additional arrangement for the training of nurses, but it may be better utilised as a centre for a course of post-graduate training for medical men inasmuch as during the war the medical graduate cannot go abroad for post-graduate training in medical science. We may take advantage of this institution which has ample clinical materials to establish such an institution, and unless you make a beginning now and convert one institution at least into a post-graduate institution, you will find that in the near future there will be a dearth of specialists in the province. But my time is up, Sir, and although I had a mind to speak on several other matters where urgent reform is necessary, I am unable to do so.

Mr. PRESIDENT: I would now call upon a representative of Labour to speak.

Mr. K. C. ROY CHOWDHURY: Thank you, Sir. I welcome the constructive criticism which has been made just now by my friend, Dr. K. S. Ray, which is quite unlike the criticisms made by some of his colleagues of the Congress Party. Sir, we have heard a good deal of talk about retrenchment. But my friend Mr. Kamini Kumar Dutta should realise that Bengal with her vast population, as compared with that of Madras and Bombay, spends per head of population much less on administration than what they do in those provinces. But I would ask him to remember that retrenchment of services would cause considerable unemployment. The retrenched hands will come to appeal to you and their tale of distress will be simply appalling. If I had time I could have talked a lot on the jute question raised by Mr. Humayun Kabir, but I would tell him this much that the agreement arrived at between the Jute Mills Association and the Government fixing the prices of jute has conferred benefit on the agriculturists. Secondly, the Ordinances issued by the Government last year might have been done in the interest of the *fatka* speculators, but the agreement has almost killed the gambling transactions in the *fatka* market, and *fatkawallahs* admit this.

I congratulate the Hon'ble Finance Minister on the amount that he has provided in the budget for helping the fishery industry. I was once connected with the fishery industry and fully realise the

tremendous potential wealth of the Sunderbans and its estuaries, which, when tapped, will do much for the economic benefit of the province. I hope that the sum of Rs. 80,000 that has been provided in the budget for the purpose will not be spent merely on a zoological survey or a scientific survey, or for gathering statistics, but it should be spent on schemes like improvement of transport facilities, improvement of fishing nets and gears which are almost primitive.

I might say, Sir, that *hilsa* fish has potentialities not only as an article of home consumption in this province, but it is a commodity which after curing and salting can profitably be exported abroad. I may mention in this connection that a scheme of this nature, namely, export of cured *hilsa* was mooted by no less a person than the late Sir David Yule, a commercial magnate of Clive Street. He was very keen about developing *hilsa* fishery in the Sunderbans area with a view to export it abroad. Sir, Bengal has a good sea-face and so sea-fishing should be subsidised in Midnapore, Chittagong, and Barisal. The coastal fishermen should be trained for deep sea-fishing. They are the potential units of the Bengal Navy.

Sir, I have heard nothing from my friend Mr. Humayun Kabir about the unemployment problem so far as industrial labour is concerned. He has said something about the seriousness of middle-class unemployment, but made no suggestion as to how this could be solved. I would suggest cheap generation of electicity from hydro-electric sources as a means for solving the unemployment problem. Some time ago, the Hon'ble Finance Minister announced that Government would take up the supply of electricity themselves. Electric energy can be generated from the hydraulic resources of the river Teesta where there is a Fall. It can also be generated from very cheap second class coal in the coalfields in the Asansol subdivision. The Bihar Government tried this method during the Congress régimé and selected the Jharia coal-fields for a very big power plant.

Another thing, Sir,—our boys should be encouraged to enlist themselves in the Defence of India Forces. There should be strong Government propaganda in Bengal to encourage the *Bhadralog* youths to join the various branches of the Force. It should not be left to the Government of India alone to do so. The Government of Bengal should also initiate propaganda of its own for this purpose. Referring once again to the problem of unemployment, I may say that Government should take steps to develop the fishery industry of Bengal. What was Japan a few years ago in this respect? Now Japan has extensive fish-curing and fish-canning establishments which employ thousands of people. Government should do pioneer work such as the location of fish banks, methods of transport and leave the private companies to follow them, and this will go a long way to solve the unemployment problem.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I had not the least intention of intervening in this debate. But I have to do so in consequence of a few observations which have been made by a few honourable members of this House as to the activities of the co-operative Department and about the possibilities and facilities of finding credit for the rural masses of this province. At the outset, I can only express my sorrow at the observations which have been made, and perhaps seriously made, with regard to the activities that this humble department has undertaken, to supply a portion of the rural credit of this province. Sir, it has been said that the Co-operative Department has been found to be unpopular and a suggestion has been made that instead of engaging the agency of the Co-operative Department to supply credit facilities to our rural masses, Government will be well advised to come forward directly by starting a sort of agricultural bank. An argument has been advanced also in support of this contention that the rate of interest charged from the agriculturist is too high.

So far as the first point is concerned, may I respectfully ask—would it be proper for a Government, calling itself democratic and autonomous, to come forward as a money-lending concern to meet the financial necessities of our people? Political considerations would certainly come in and perhaps would involve Government in heavy losses, and also create embarrassments.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would only refer the honourable member who has just now said "why" to the observations made by the Land Revenue Commission of which he was also a member. What have they to say on the subject? I hold in my hand a copy of the Land Revenue Commission's report. In dealing with the suggestion made before them that the State should come forward with a scheme of that nature, they observed that "it was neither desirable nor practicable". The report goes on to say, "It has been represented to us that the establishment of agricultural banks would necessarily lead to the recovery of loans by stringent measures which would undoubtedly be unpopular. It might operate as a check on the normal outlet of national finance if Government acts as a money-lender through agricultural banks, and Government's management would certainly be more expensive. The cost of such a scheme might be prohibitive."

Now, Sir, I will give an answer to this interjection "why" made by my honourable friend for whom I have got the highest respect because of his past experience in such matters in the rural areas, by referring him to some of the observations that have been made on the

subject by the various Expert Committees. The consensus of opinion has been to regard the co-operative societies as the agency which is most suited to meet the credit requirements of the cultivator. This was the view held by all the expert committees including the Bengal Provincial Banking Enquiry Committee, the Madras Enquiry Committee, the Royal Commission on Agriculture, the Bengal Land Revenue Commission and the Reserve Bank of India, all of them recommending a wide expansion of the co-operative movement in Bengal. The Bengal Banking Enquiry Committee remarked that "no agency is more beneficial to agricultural credit than these societies." The Bengal Land Revenue Commission also recommends "as rapid an expansion of the co-operative movement as is consistent with sound organisation and management" for the supply of rural credit. It is neither possible nor desirable for Government to supply the entire credit needs of the countryside. Commenting on this subject, the Reserve Bank of India says in its Statutory Report for 1937 that the machinery of Government "is inherently not qualified to act as a general financing agency and the agency which satisfies the requisite condition for agricultural finance is the co-operative society and it has been so recognised in almost all agricultural countries." This being so, it is the obvious duty of Government, firstly, to so arrange that short-term credit is supplied through co-operative societies and, secondly, to strengthen the societies for the performance of this function.

Now, Sir, in view of such expert opinion held at different quarters, it is hardly necessary for me to dilate on this simple subject and to repeat that so far as finding money for the temporary necessities of our agricultural population is concerned, it cannot be doubted that this agency is most suited.

I am, however, at one with my honourable friend when he suggests that there have been difficulties. There have been difficulties no doubt in the past and perhaps he will be able to give personal evidence as to the difficulties he might himself have experienced while in the field in years past as an officer of His Majesty's Government in this department. Now, Sir, this is neither here nor there.

The next question is whether we have a definite policy laid down as to what we need do or should do and what steps should be taken by Government in this respect. Some time back I explained that we had divided the whole subject into two parts: firstly, with regard to what we should do about the past outstanding debts and, secondly, as to the steps we should take for the future. With regard to the past debts, a definite scheme has been drawn up and it is still under the consideration of Government, and perhaps it will not be long before it will be possible for Government to announce a decided course of action that it may be possible for Government to take. As regards the future, it is proposed to take such action as would perhaps give some

amount of guarantee to the investing public so that they would come forward with their monies and invest the same in the co-operative societies. If it were not so possible, Government would help these societies to such an extent as might be necessary and as might be justified by the economic assets and circumstances of the societies and their members. New societies would be formed for this purpose as and where necessary, consistent with due regard for their organization on a proper basis, and societies will be organised as rapidly as possible, but mistakes of the past must not be repeated.

As a result of this policy in the course of the last two years, we have had 13,000 new societies. They have been placed under strict supervision, and we hope that with the new activities that these societies have undertaken, the mistakes will not be repeated.

Now, as regards the rate of interest. Sir, I expected the other day while replying to a question of my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain, that there would be some more supplementary questions so that I might get an opportunity of explaining the situation more fully. However, I may assure him at this stage that so far as the rate of interest charged on the agriculturist members is concerned, it is 9⅜ per cent. per annum. It is only under exceptional circumstances, when Government will be called upon to meet their obligations functioning under the Agriculturists Loans Act of 1884, that the rate will be 6¼ per cent. and not less, not more. So there will be hardly any competition so far as the rate of interest is concerned. There is already a Bill passed by the Legislature; when this is assented to and it becomes the law of the land, it will certainly give Government power to examine the normal and maximum credit facilities of a member before he asks for any loan. His creditworthiness will have to be examined first.

Sir, some observations have been made about the position of Government so far as the recent loans to the societies are concerned, and my honourable friend Mr. Ross, the Leader of the European Group, raised a question about the loans given to the Bengal Provincial Co-operative Bank where he expressed a little bit of doubt. He says, "What would happen if that bank had failed to carry out its obligations" and, perhaps, in answer to the supplementary question he asked, I had to say that that position can hardly arise. Sir, Mr. Ross may be assured that the Provincial Bank does not draw its finances from the Government of Bengal, but draws its finances from the large investing public with which alone they are concerned. Government cannot meet the demands of our rural people.

Sir, it was only during the last year that Government came to the financial assistance of the co-operative movement by directly giving a sum of 13½ lakhs to the Provincial Bank and thereafter a further sum of 6½ lakhs was added to this by the bank itself and there was thus a

total sum of 20 lakhs lent out from the Central Banks to the societies. All these amounts were paid back before they became due. In the current year, Government has provided a sum of 60 lakhs for the purpose of helping the agriculturists through the Bengal Co-operative Provincial Bank. It was not necessary for the Bengal Provincial Bank to draw the whole amount and in fact a portion of this has been given through another agency and not through the agency of the Co-operative Department. So far as the Co-operative Department is concerned, it has been able, up to the first week of January, to lend out Rs. 43,89,484. Of this amount, as soon as the agriculturist members were able to raise their crops, they have refunded a sum of Rs. 21,08,172, and it is expected that long before the time for repayment comes in June next, the whole amount will come back to the bank at the normal rate. I submit, therefore, that there is hardly any justification for being nervous or suspicious so far as the activities of the department under this head are concerned.

A suggestion was made by Mr. Birendra Kishore Roy Chowdhury that Government should take steps to co-ordinate the activities of the Co-operative Department and the Industries Department. I can assure him and also other members of the House that Government have appointed a committee, of which my honourable colleague the Minister for Rural Reconstruction is the President and of which the different heads of departments are members, to investigate into the facilities by which they can work on a co-ordinate basis, so that whenever any scheme is thought of, the different departments may be consulted and proper steps taken to see that they act in co-ordination and there is no overlapping. As, however, my time is short, I cannot go on with my remarks. I hope I have met the criticisms which have been raised in this debate and I thank you, Sir, for giving me an opportunity to do so.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I am sorry that owing to indisposition I may not be able to deal with the observations of the honourable members of this House as whole-heartedly and completely as I should like to have done. But I shall make an attempt to meet the points raised in the course of the discussion to the best of my capacity. The debate has mostly turned not so much on the budget itself as on the desirability or necessity of the proposed sales taxes. Many of the honourable members have congratulated me on my financial statement: some whole-heartedly, and some with reluctance; while others from whom I could never expect any co-operation have condemned the Budget Statement outright. Can I, Sir, speaking objectively, congratulate myself on the fact that I have had to present a budget whose mainstay happens to be a tax which has not yet been passed by the Legislature? Khan Bahadur Naziruddin Ahmad has well said that it is better to court unpopularity than to

shirk one's responsibility. In the course of my duty, I had no other alternative but to introduce this taxation proposal. I doubt very much if any Finance Minister, called upon to spend large sums of money on nation-building schemes, could have balanced his budget without imposing a tax calculated to yield enough revenues to meet the deficit of one crore and a half. The House may take it, Sir, that I have done so with a great sense of responsibility and not light-heartedly. I know that the proposals of Government will offer a great handle to our foes during the elections and that it is impolitic to offer such a handle to our enemies at a time when one expects to approach the electorate with an account of one's stewardship. But, Sir, as I have stated, my sense of duty and responsibility outweighs the political desire to present a budget before the country without imposing a tax in order to try to balance it. I could have placed such a budget had I played about with figures in the way in which Mr. Lalit Chandra Das has done. I could even have placed a surplus budget before you, but such a budget would have been false and would not have delineated a correct picture of present conditions. Sir, I am sorry I do not find Dr. Radha Kumud Mookerji in the House; but since he has offered some criticisms on the different items of the budget, I shall have to answer them even in his absence. He said that this budget showed no change whatsoever in outlook and in mentality and was merely a repetition of the previous budgets—indeed, it is not a budget of a democratic Government. I wonder if he was at all serious when he said that. He was merely uttering a *cliché* which is facile and which is a great favourite with the honourable members of the opposite benches, year after year. I could prove from the budget itself that his statement is without foundation, but as this will take considerable time, I will confine myself to some very outstanding features of the budget merely to indicate to what extent we have introduced new schemes of amelioration since we took office. Sir, in the old Constitution, hardly any money was set apart for primary education. This year the budget shows an allotment of Rs. 45 lakhs for primary education—and yet Dr. Mookerji says that the new budget takes up no new schemes! Moreover, this Government is pledged to introduce primary education in all the districts of Bengal after the imposition of Education Cess, whatever may be cost of the scheme. Mr. Ross wished to know what the ultimate cost would be to introduce primary education in Bengal. I may say for his information that it has been placed at various figures—some put it at Rs. 154 lakhs—the recent figure is Rs. 137 lakhs. Mr. Ross will perhaps realise that in spite of the Sales Tax, we shall not have sufficient reserve at our disposal to meet the ultimate cost of this primary education scheme and that is the reason why from time to time I have to accustom this House to the idea that if you want to progress, you must not grudge taxation measures. It is no use trying to fudge figures only for the purpose of escaping liability to taxation. Whether it is

Rs. 154 lakhs or Rs. 137 lakhs, it is too much for our purse, but though this is so, we cannot abandon the scheme of primary education to which we stand pledged. We will have to continue, and we will have to find ways and means to meet the cost whatever it may be. In doing so, we may have to alter perhaps the incidences, we may have to alter, to some extent, the cost of the scheme and as an honourable member has suggested, we may try to make the scheme cheaper. But we cannot go back upon the scheme to which this Government is pledged. Then, there has been a general encouragement given to education, including female education and Scheduled Caste education. As I pointed out some time ago, I think on the floor of this House, that out of between 65 lakhs and 80 lakhs available to us over and above the amount which was available to the 1936-37 Government, more than 35 lakhs has been spent on educational schemes.

This year again provision has been made for adult education. This is a new scheme of ours. You said that you would be prepared to support schemes of taxation if we placed before you new schemes, and now, when we do provide for new schemes, you ignore them altogether. This scheme of adult education might perhaps in the end cost us some 12 lakhs of rupees annually.

Then, Sir, whereas the old Government used to allot about 2½ lakhs of rupees for water-supply, we have allotted 10 lakhs of rupees. Does it not reflect any change in our attitude towards the needs and requirements of the people? We have started a survey of water-supply requirements. The survey cannot be put into operation because the cost of materials on which the estimate rests has gone up unreasonably high and, consequently, the estimate has been thrown out of gear, and we may have to make another survey and may have to change our policy with regard to the sources of water-supply. But while we are considering how we can adopt a comprehensive scheme, we are paying year after year substantial sums of money to the various districts, which are to a very considerable extent solving the problem of rural water-supply, so much so that it is quite possible that when the comprehensive scheme will be prepared, perhaps we may not have to spend so much as would otherwise be necessary.

Then, Sir, take the Public Health Department. Take it in its various aspects. We have a general tuberculosis scheme which we shall put into operation at an early date and as soon as we can afford it. Here I am particularly grateful to my friend, Dr. Kumud Sankar Ray, for having recognised the earnestness of Government in regard to this policy. We hope, Sir, in course of time we shall be able to have institutions similar to the Jadavpur Tuberculosis Hospital in various parts of Bengal which we could utilise for training and teaching doctors and that we shall be able to provide clinics and beds for the various district hospitals. But it must be realised that this is a very

costly scheme and we must go slowly. In the meantime, we have recognised the potentialities and the good work which the Jadavpur Tuberculosis Hospital is doing, and we propose supporting it to the best of our ability and in the belief—if I may say so—that Dr. Kumud Sankar Ray himself will not in any way lessen his own efforts to enlist public support and public money as much as possible for this valuable institution.

Take again "Nursing," with regard to which so much has been spoken. I entirely agree with many of the honourable members, and particularly with Mrs. D'Rozario for whose speech and for whose appreciation of the Government efforts I am particularly grateful, that the nursing facilities are by no means adequate. This Government however has recognised the deficiency, and we have made special provision for increasing the nursing facilities this year, apart from establishing a hostel attached to the Campbell Medical School. We have made special arrangements this year for increased facilities in the Campbell Medical Hospital and we propose thereafter to take up the question of the Calcutta Medical College. A committee has been appointed to go into the whole question. Sir, Dr. Kumud Sankar Ray has given a very valuable suggestion regarding the conversion of some of the less efficient medical schools into training centres for nurses. I am sure the Public Health Department will examine this suggestion. Now, Sir, in the same department we have taken up anti-malarial work. Small excavations here and there, filling up *bils* and *khals*, will go a long way towards the solution of the problem of malaria. We have created an anti-malaria department and it is engaged in examining the small schemes which have been hanging fire for a long time in the Irrigation Department and could not be dealt with due to lack of funds and personnel.

There is also a new scheme for rural medical health launched this year for which we have provided a sum of 1½ lakhs. This scheme is in its experimental stage. We must test its practicability and utility before we extend its operation to the whole of Bengal. This year we have allocated 1½ lakhs for this purpose, but the total amount of expenditure will be somewhere near 35½ lakhs annually. We are at present spending, I think, about 12 to 14 lakhs on rural public health services, and hence there will be an additional expenditure of 21½ to 23½ lakhs. The scheme is to provide a dispensary for two union boards, with two treatment centres and entertain a doctor for this dispensary and treatment centres, who is expected to prove himself generally useful to the area and the people under his care. It is an ambitious scheme, and I hope we will have support from all in this experiment of ours.

Now, if I may go back to the remark that the budget reflects no change from the previous budgets, we have made provision for the

expansion of the Irrigation Department. One honourable gentleman has stated that the condition of the Punjab agriculturist is better. We are now reproducing the Punjab Irrigation Research Institute here, which I hope will yield satisfactory results and will enable us to take up more irrigation schemes. We have also this year made provision for the expansion of Cinchona plantation and the Cinchona Department. We believe that there is a great future for the Cinchona Department in Bengal, but unfortunately this department has been badly neglected hitherto even to the point of bungling. We may, therefore, take some credit for having taken steps to reorganize the department and for making an attempt to make Bengal self-sufficient in the production of quinine, and we intend to pursue the expansion of the Cinchona Department to the full.

Another new scheme has been adumbrated this year and that is with regard to a Fisheries Department. We have provided Rs. 85,000 for this purpose, but this is merely a beginning. The department has enormous possibilities and we intend to expand it after a proper survey so as to get the utmost out of it for the benefit of the province.

This Government has also made a serious effort to improve communications by extending and improving the provincial roads, inter-district roads and feeder roads, etc. You cannot deny that we have put in much more money for this purpose than the previous Governments ever did.

We have expanded the Department of Debt Settlement so much so that we now spend 22 lakhs where only 2½ lakhs used to be spent before. Therefore, the complaint that the budget does not reflect any change shows that the honourable members, even Dr. Radha Kumud Mookerji, have not taken the trouble to study the comparative figures of the previous years. Coupled with this, the Government is embarking on a new policy altogether regarding the relief of distress. The manner in which we have advanced monies to our agriculturists, opened out test relief works, dispensed gratuitous relief year before last, shows quite clearly that we are most anxious to relieve distress wherever and whenever it occurs on an adequate scale. We have laid out vast sums of money for agricultural loans; we have made extensive grants to the Co-operative Department, and I hope my colleague in charge of that department has been able to satisfy the House that the money has been properly utilised. The Famine Relief Fund, too, we have increased from 2 lakhs to 12 lakhs, but this is merely nominal and a charged fund; much more money is necessary every year and is always provided for. I am afraid that this year there is likelihood of considerable distress in various parts of Bengal, not only in Western Bengal but also in Northern Bengal and this Government will not be

found lagging in its measures to meet the situation. Then, in the Agriculture Department, Veterinary Section, honourable members will find a new scheme of veterinary dressers, which I hope will be appreciated Apart from the jute regulation scheme which will cost us a considerable sum of money, probably 27 lakhs, we have made provision for seeds to the extent of Rs. 4½ lakhs and, if necessary, we shall pay more money for this purpose. I think, Sir, I have by quoting a few items of the budget proved to the satisfaction of this House that there is no substance in the erroneous criticism made by Dr. Mookerji that Government has done nothing with the means available at its disposal to expand the nation-building activities and to develop the general resources of the province which have been entrusted to its care.

Now, Sir, there is another criticism of Dr. Mookerji which I have not been able to understand. He has taken the revenue figures of 1933-34 and compared them with the budgeted figures of 1941-42 and says that there has been an increase of Rs. 5 crores since 1933-34 and that these 5 crores should have been spent on nation-building activities. I do not understand why he has taken that particular year for comparison. I do not understand what he meant by this comparison except, perhaps, for accentuating a contrast. The revenue receipts for the year 1933-34 were, 9 crores and 6 lakhs, but although the revenue receipts of 1941-42 has been placed at Rs. 14 crores and although there is a difference on paper of Rs. 5, crores between the two, it is quite incorrect to say that there has been an excess to the extent of Rs. 5 crores at the disposal of the present Government. I doubt very much, Sir, if he made this statement in all sincerity. He should have realised that during the three years, 1931-32 to 1933-34, the revenue recepits of the province fell below its expenditure by Rs. 1 crore and 99 lakhs, 1 crore and 30 lakhs, and 1 crore and 76 lakhs; and during these three years the Government of Bengal received from the Central Government deficit loans to the total amount of Rs. 4 crores and 46 lakhs, to enable it to carry on the administration of the province. The loan received during 1933-34 was 1 crore 56 lakhs and therefore the amount of money at the disposal of the Government of Bengal in the year was not 9 crores 6 lakhs but 10 crores 63 lakhs.

Then, Sir, another figure of 60 lakhs which is now added to our present revenue receipts should also be taken into account. This money which we call "adaptation receipts" previously did not pass through the provincial accounts, but used to be credited direct to local bodies; and there are other minor adjustments which Dr. Mookerji did not take into account in inflicting his criticisms. If you really want to compare the budgets of the present Cabinet with those of the old Constitution, you should start with the figures of the year when the Provincial Autonomy was introduced in Bengal, and then try and find out how much money has been placed at our disposal since then and what

has been done with that money. Last year I tried to make some comparison and perhaps the members will remember that it was found that the actual amount of new revenue receipts at our disposal then was only Rs. 70 lakhs.

I hope I have been able to remove the misapprehension which is floating in the minds of the honourable members that we have had crores and crores of rupees at our disposal and that we have frittered them away on useless schemes. I have not with me all the figures and the time is short, but for the information of the House and of the public, I may issue a White Paper to show the amount at our disposal which will, I am sure, confound our critics—critics like my friend Dr. Radha Kumud Mookerji—who do not appear to be well up in figures.

Sir, one honourable member has pointed out that there has been undue increase in the cost of general administration. I do not know whether he refers to the increased cost on account of the Debt Settlement Boards in this connection. I myself checked the figures under this head some time ago and found that the increase is due to increase in the number of officers attached to the Debt Settlement Departments. Now, Sir, I would like to say something regarding the expenditure on "Police", and show how fallacious the arguments of some honourable members are when they compare the expenditure in this province with its 50 million people and its vast territory with the amount spent by the other provinces having a population of only some 20 million people and a smaller territory. All these matters must be considered during comparison. If these factors are taken into consideration, the cost of Police in Bengal will be found to be most moderate as compared to that of other provinces, even what are called the Congress Provinces.

Regarding the criticisms on "Excise", the answer has been given by my friend Khan Bahadur Naziruddin Ahmad. I am afraid that the statement which I had placed before the House was slightly misleading because I said that it was due to an increase in the consumption of country spirit. I should have said that it was due to an increase in the consumption of licit country spirit. Since Government has introduced cheap liquor in those places where there was a great deal of illicit consumption of liquor, and since we have strengthened our Detective Department and our controlling department, the consumption of illicit liquor has decreased. On the whole there has been a decrease in the consumption of liquor and not an increase; and the increased revenue is due to the consumption being transferred from illicit liquor to licit spirit. We have been asked as to what is our policy with regard to this. Is it prohibition, gradual prohibition or gradual abolition of prohibition? Sir, I would certainly like this province to go dry. I would certainly like this province not to derive any income from excise and to put an end to drinking. But liberty of action ought not to be

curtailed unduly. If you want to change your habits, everything depends on yourself. If you want to abolish consumption of liquor, go out amongst the people, induce them to abstain from "drinking," carry on all necessary propaganda for the purpose rather than ask the Government to enforce it by laws and regulations, which may make prohibition a dead letter and which is sure to lead to evasion of the law and even to all kinds of crime. In pursuance of our policy of gradual prohibition, we are extending prohibition to two more districts, namely, Chittagong and Tippera. If this experiment is successful, we shall extend it gradually to other districts as well.

Then, Sir, much has been said with regard to retrenchment. I have pointed out to this House that such an able Finance Minister as Sir John Woodhead brought down expenditure as much as possible and starved the administration to such an extent that our officers draw to-day a remuneration which is about the lowest compatible with efficiency and honesty and is lower than that paid to officers in the other provinces of India.

Now, Sir, it is quite easy to say that their pays should be reduced, but this is not practical. You will be merely encouraging dishonesty and extortion thereby. Cheapness and retrenchment are not always desirable. You have got to choose between efficiency and honesty on the one hand and cheapness of administration on the other. As I have said on a previous occasion, I shall be glad to receive constructive suggestions from honourable members regarding retrenchment which the Finance Department will gladly examine.

Sir, Rai Manmatha Nath Bose Bahadur mentioned the leper problem. I think this is a problem which should be taken up at a very early stage. The disease is spreadig to such an extent that it will soon become a major problem. Government's commitments are considerable and if the Legislature places more money at our disposal, this would be one of the first problems that we should tackle on account of the urgency and importance of the matter.

I think, Sir, the Digha sea-side resort will be a useful one, and I would like to go there for rest from time to time. I am afraid we may have to spend considerable sums of money on the scheme and perhaps it will not be wise to do so, merely for the requirements of the rich, before taking in hand more urgent nation-building schemes.

I congratulate Mr. Birendra Kishore Roy Chowdhury on the courage with which he has expressed the view that primary education ought to be abolished and that it is not desirable. I do not think that the country as a whole will agree with him on that score. I know that the primary education Cess weighs hardly on the land-owners. But I am afraid, I must join issue with him as well as with the Raja Bahadur of Nashipur when they state that it is immoral for Government to take money from one class and pay it to another class. Now, Sir, the policy of this

Government, and I hope of every progressive Government, is to take money from one class that can afford to pay and to spend it on the classes that cannot. Therefore, Sir, I am afraid we shall have to continue with our scheme for primary education.

May I refer again to Mr. Lalit Chandra Das and to his jugglery with the figures. I may point out to him that I am not myself very happy with regard to certain estimates of mine and I have erred on the side not of pessimism, not on the side of showing the income less than it ought to be, but rather on the side of optimism. Sir, it is quite possible that with the new declaration by Herr Hitler about his Spring offensive, shipping facilities may be considerably less, and this will result in increasing further our deficit, and that fact none will regret more than myself.

Further, Sir, the increase in the police budget is not meant for the purpose of effecting "inroads on the liberties of the people with a political bent of mind." It is for the purpose of saving the lives and properties of these honourable gentlemen from any danger that may arise. In case of invasion or disturbance, it is these gentlemen that will come running to us and will ask us for protection, and it is to ensure that protection that we have made this increased provision as a temporary measure during the continuance of the war. I hope honourable members will realise that we have done this in the best interests of the people and it is possible that the future will show that the increased provision we have made is more than justified.

Sir, Mr. Ross asked for certain assurances. I believe I have met most of his points. I can again give him the assurance that I gave at the time of the introduction of the Sales Tax itself, that we shall not embark on any large commitments without previously obtaining the sanction of the Legislature, because this request is nothing more than a request that the procedure contemplated by the Government of India Act should be followed. The removal of the headquarters of Noakhali district to Begumgunge which I am glad to find has been approved by those honourable members of this House who know something about the problems of that locality, will cost us in the first instance 41 lakhs; that is the present estimate, but I hope that a considerable portion of this will be recouped from those who will settle in that place.

I do not like to refer, at this stage, to the criticism regarding imposition of the Sales Tax. The Tax Bill will, I hope, in due course come up before this House for the support of honourable members and at that time we shall have ample opportunity to discuss the subject. May I, however, point out one thing in reply to Mr. Kabir's remarks with regard to the deficit budget? I would indeed very much like to see the deficit turn into a surplus as has happened in previous years; but Sir, as I have pointed out before, the deficit of 55 lakhs of rupees has increased to 107

lakhs and there is absolutely no chance whatsoever of our deficit turning into a surplus. The deficit will be further increased in the coming year and the necessity for taxation will therefore be amply borne out. Mr. Humayun Kabir could not prevent himself from ranting about jute. Unfortunately, jute is a very complex and difficult problem, and forms a ready political weapon in the hands of people who know nothing about it. Let me, for instance, refer to, as an outstanding example of the error in which Mr. Kabir has fallen, his statement that the Jute Ordinances were issued by Government when jute had passed out of the hands of the agriculturists. This is merely a repetition of what has appeared from time to time in ragged newspapers, jumbled up by the honourable member himself. I would, however, state for his information that the first of the Ordinances was issued in the beginning of August, 1939, when the price of jute was falling to such an extent that if Government had not stepped in, jute would have been sold for a song, as in other years. Government's intervention turned the tide and from that time onwards the price of jute went up. Then the war intervened, and prices rose much higher for reasons of which everybody is aware. At that time, when the Ordinance was passed in August, 1939, most of the jute was with the agriculturists or on the ground, and the agriculturists, not the middlemen, were benefited by the Ordinance.

As regards the purchase of jute by Government at the end of the last season, I may explain the position in a few words. I have never yet had an opportunity of meeting the various criticisms. The price of jute was falling rapidly at that time and if Government had not stepped in to support the price, the new crop would have started with a low price. It is true that at the time when we purchased the jute, nearly all the crop had passed out of the hands of the agriculturists. But our action served to maintain the price of the old crop with the result that the new crop started with a high price and the agriculturists in the first one month and a half got a substantial sum of money which they could not have got if the Government had not purchased some of the old crop and given a chance to the new crop. Sir, I thank those honourable members who have made some constructive criticisms; I have taken note of their suggestions.

Mr. PRESIDENT: Order, order. The Council stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 28th February, 1941.

Members absent.

The following members were absent from the meeting held on the 27th February, 1941:—

(1) Rai Bahadur Keshab Chandra Banerjee.

(2) Mr. Narendra Chandra Datta.

(3) Khan Bahadur Alhaj Khwaja Muhammad Esmail.

(4) Khan Bahadur Syed Muhammad Ghaziul Huq.

(5) Khan Bahadur M. Abdul Karim.

(6) Khan Bahadur Muhammad Asaf Khan.

(7) Maulana Muhammad Akram Khan.

(8) Sir T. Lamb.

(9) Dr. Radha Kumud Mookerjee.

(10) Khan Bahadur M. Shamsuzzoha.

(11) Raja Bahadur Bhupendra Narayan Sinha.

THE BENGAL LEGISLATIVE COUNICAL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 28th February, 1941, at 2-15 p.m., being the ninth day of the First Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Publication of an objectionable article in the "Khatak".

24. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the editor of the *Khatak*, a Bengali weekly newspaper, published from Pangsha, Faridpur, was ordered to appear before the District Magistrate, Faridpur, in connection with an article which appeared in the paper in its issue of the 20th September, 1940?

(*b*) Was the above action taken under the Defence of India Rules?

(*c*) What was the exact offence for which such action was taken?

(*d*) What was the result of the action taken by the District Magistrate against the editor of the said *Khatak*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Home Department, the Hon'ble Khwaja Sir Nazimuddin): (*a*) He was invited to see the District Officer in this connection.

(*b*) No.

(*c*) He had published an objectionable article in his paper.

(*d*) His attention was directed to the provisions of the Defence of India Rules and he was advised to be more guarded in his language in future.

Appointment of the printer and publisher of "Deshapriya" of Chittagong.

25. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether on the 27th January, 1940, by an order under the Defence of India Act, the newspaper *Deshapriya* of Chittagong was prohibited from publishing any matter in it before scrutiny by the District Press Adviser of Chittagong;

(*b*) whether under protest, in compliance with that order, the *Deshapriya* continued its publication of all matters after submitting the same for scrutiny to the Chittagong Press Adviser;

(*c*) whether the printer and publisher of that paper, Sreejut Shubrata Das. having expressed his intention to resign, petitions were filed in last part of 1940 by Babus Shubodh Bikash Datta, Charu Bikash Datta, Mrs. Mati Prava Datta and Mr. Shusanta Kumar Choudhuri, one after another, for being declared publisher and printer of that paper; and whether they were not allowed by the District Magistrate to declare themselves as printer and publisher of *Deshapriya*;

(*d*) whether it is a fact that in passing the last order refusing Babu Shusanta Kumar Choudhuri to be the printer and publisher an order was also passed on the editor directing him to postpone further publication of the *Deshapriya* on 16th December, 1940;

(*e*) whether in consequence, *Deshapriya* of Chittagong has since ceased to function; and

(*f*) whether the Government propose to allow that paper to function by directing the withdrawal of restrictions imposed on it in the matter of the declaration of its printer and publisher?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) I understand that the paper continued publication for some time: no protest was made to Government.

(*c*) Four persons, whose names I have not ascertained, made such applications which were refused.

(*d*) The editor was advised on the 17th December, 1940, to suspend publication till a suitable printer and publisher were declared according to law.

(*e*) and (*f*) I understand that publication was for some time suspended but that a suitable printer and publisher has now been found and that there is no longer any objection to the resumption of publication.

Malaria in Mymensingh.

26. Mr. BIRENDRA KISHORE ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state whether it is a fact that the Netrakona and Sadar subdivisions of the district of Mymensingh are suffering from an outbreak of malaria in an epidemic form?

(*b*) Will he be pleased to state the percentage of mortality in all these cases of malarial attack in the two subdivisions, referred to above, during the last four months?

(*c*) What steps the Government has taken to stop the progress of this epidemic in the stricken areas?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) The following special grants of quinine have already been made to the district during the current year:—

Quinine sulphate powder—100 lbs.

Quinine sulphate tablet—78 lbs.

Cinchona febrifuge powder—150 lbs.

Cinchona febrifuge tablet—38 lbs.

Besides, 1,000 quinine ampoules and 23 malaria epidemic doctors have been supplied to the district. The total normal quinine grant for the district during the year through the recognised agencies was Rs.38,850. The District Board has reported that they have also distributed 480 lbs. of quinine of the value of Rs.11,340 from the District Fund. The District Magistrate has reported that 26 lbs. of quinine and cinchona febrifuge have been distributed from 31st March, 1940, to 10th September, 1940, and from 10th September, 1940, to date 131½ lbs. of quinine have been distributed in the area.

Statement referred to in the reply to clause (b) of question No. 26.

	September.	October.	November.	December.
SADAR SUBDIVISION.				
Deaths from malaria ..	1,308	1,344	1,395	1,366
Malaria cases treated in hospitals and dispensaries	5,482	4,979	6,449	7,364
Percentage of malaria deaths to total deaths	23·8	27·0	21·6	18·5
NETRAKONA SUBDIVISION.				
Deaths from malaria ..	1,427	1,419	1,742	2,088
Malaria cases treated in hospitals and dispensaries	3,483	2,529	2,203	3,595
Percentage of malaria deaths to malaria cases	41·0	56·1	79·1	58·1

Mortality.—Figures complete as all deaths are recorded.

Morbidity.—Figures incomplete because only a small fraction of the total malaria cases attends dispensaries for treatment.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether he is aware that this epidemic of malaria breaks out every year, for the last three years, in the Netrakona and Sadar subdivisions of Mymensingh district?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: So far as I am aware specially this year on account of there being floods, malaria has broken out.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly enquire and make arrangements previously for taking precaution so that malaria may not break out there in the next year?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Most certainly.

Malaria in Jessore.

27. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that in answer to question No. 24, dated the 12th December, 1940, the Hon'ble Minister of the Local Self-Government Department stated on the floor of the Bengal Legislative Council that "incidence of malaria was very high in all quarters of the district of Jessore;

(*ii*) whether it is a fact that the Subdivisional Officer of the Narail subdivision is forming "Pally Mangal Samitis" in almost all the villages of the Narail subdivision and organising volunteer corps for the clearance of jungles for the prevention of malaria and the Subdivisional Officer is himself taking the prominent part in these activities;

(*iii*) whether it is a fact that in the Census Report of 1931 it was found that proportion of decrease of population of Jessore was higher than that of any of the neighbouring districts; and

(*iv*) whether it is a fact that on account of outbreak of malaria in an epidemic form the population of the district of Jessore is decreasing year after year?

(*b*) If the answers to clauses (*i*) to (*iv*) be in the affirmative, will the Hon'ble Minister be pleased to state what actions have been taken by the Government, or are intended to be taken in the matter? If not, why not?

(*c*) Will the Hon'ble Minister be pleased to place on the table of this House a statement, showing in detail, the amount of grants for the prevention of malaria, sanitation and rural welfare projects to each of the districts of Bengal and their names in the year 1937?

(*d*) Is the Hon'ble Minister aware that the amount of grant to Jessore for the above purposes is very low; if so, what is its reason?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) The honourable member is referred to the answer given by me to clause (*a*) of his question asked on the 12th December, 1940.

(*ii*) Yes, for general rural uplift work.

(*iii*) Yes.

(*iv*) The statement below will show that due mainly to malaria, the population of the district decreased up to 1933, wherefrom it has taken a favourable turn. Since 1934, there has been a preponderance of births over deaths though the mortality rate from malaria has been high all through.

(*b*) High mortality from malaria in the Jessore district as in certain other similarly situated districts of Bengal is due principally to defective drainage and stagnation of water due to natural and man made causes among which may be mentioned all artificial obstructions to the natural water courses in the district aggravated this year by the last year's drought. With a view to removing these causes, the Bengal Public Health Department have called for comprehensive anti-malaria schemes from all the districts. The Jessore District Board has not yet submitted revised schemes in a complete form as suggested by this

department. The District Engineer has submitted certain river schemes for the district to the Irrigation Department. That department has already taken up the execution of the Bhairab river scheme, which on completion will be an important anti-malaria measure. The river scheme for the improvement of the river Chitra by tapping the Mathabhanga near Dudpatila *bil* is under their consideration.

Certain minor sanitation schemes at the cost of the India Government grant, viz., (1) improvement of drainage of Narail town, (2) filling up insanitary *dobas* by the side of Maliat Girls' School, (3) clearing of jungles at Purulia, police-station Kalia, and (4) improvement of drainage by the side of the Central Road at Lohagara have been approved for adoption.

A special anti-malaria scheme in the town of Jessore and its neighbourhood is at present under execution. The object of the scheme is to study the methodology best suited to the area for controlling malaria on a permanent basis.

At Narail, under the guidance of the Subdivisional Officer, minor anti-malaria and village uplift measures are being carried out extensively through Palli Mangal Samitis and through voluntary corps.

At Kalia, a maternity centre has been started.

(*c*) and (*d*) Information is being collected and will be furnished to the House when available.

Statement referred to in the reply to clause (a) (iv) of question No. 27, showing variation in births and deaths, percentage of malaria deaths to total deaths and estimated population in the district of Jessore during the years 1931-1940.

		Variation in births and deaths (increase + decrease −).	Percentage of malaria deaths to total deaths.	Estimated population on 31st December each year.
1931	..	−1,510	72·2	1,669,654
1932	..	−9,871	67·3	1,659,783
1933	..	−6,708	67·7	1,653,075
1934	..	+5,429	64·4	1,658,504
1935	..	+7,580	61·3	1,666,084
1936	..	+6,467	54·8	1,672,551
1937	..	+19,729	58·7	1,692,380
1938	..	+4,231	60·3	1,696,611
1939	..	+20,824	60·0	1,717,435
1940	..	+8,887	63·0	1,726,322

Bhati area of Mymensingh.

28. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) whether anything has so far been done by Government to alleviate the sufferings of the people of Bhati area of Mymensingh district, whose lands have gone out of cultivation on account of the ravages of early flood and water-hyacinth;

(*b*) whether anything has been done by Government to reclaim the area that has gone out of cultivation;

(*c*) whether any experiment has been made for finding out, on proper irrigational facilities being given, that the area can be converted into *bora* paddy area; and

(*d*) whether the Government is going to provide some money in the next budget for irrigational facilities for this area?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): No. I am awaiting the results of the inspection of the locality which at the suggestion of the honourable member was to be made in his presence by experts of the Agricultural and Irrigation Department.

Weaving schools.

29. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) how many weaving schools are there in Bengal and where are they located;

(*b*) are these all Government institutions; if not, how many are aided and where are they located and how maintained; and

(*c*) whether the weaving school of Midnapore is a Government institution; if not, whether there is any likelihood of its being taken up by Government in the near future?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) and (*b*) Apart from the Bengal Weaving Institute, Serampore, and the Bengal Silk Technological Institute, Berhampore, there are 75 weaving schools in the Province including the 29 peripatetic weaving schools. Thirty-seven of these schools are aided institutions, the rest being Government schools. A statement in two parts—A and B—showing the location of the Government and aided schools, is placed on the table.

Most of the aided schools receive Government aid equivalent to half the expenditure, the rest of the expenditure being met from local sources.

(c) The weaving school at Midnapore is an aided institution. There is no likelihood of its being taken over by Government in near future.

Statement referred to in the reply to parts (a) and (b) of question No. 29.

A.

LIST OF GOVERNMENT WEAVING SCHOOLS.

I. District weaving schools—

1. District Weaving School, Suri (Birbhum).
2. District Weaving School (Bankura).
3. District Weaving School, Malda.
4. District Weaving School, Tangail (Mymensingh).
5. District Weaving School, Begumganj (Noakhali).
6. District Weaving School, Zarwanganj (Chittagong).
7. District Weaving School, Khulna.
8. District Weaving School, Dacca.
9. District Weaving School, Pabna.

II. There are also 29 peripatetic weaving schools working in the different districts of Bengal.

B.

LIST OF AIDED WEAVING SCHOOLS.

(1) *Presidency Division.*

1. Nari Silpa Sikha Mandir, Kalia, Jessore.
2. Industrial School at Magrahat, 24-Parganas.
3. Weaving School at Santipur, Nadia.
4. Weaving School at Punra, 24-Parganas.
5. Saudamini Nari Silpa Vidyamandir, Senhati, Khulna.
6. Weaving School at Karanjali, 24-Parganas.
7. Weaving School at Bagerhat, Khulna.
8. Weaving School at Tujalpur, Khulna.
9. Weaving School at Baikuntapur, 24-Parganas.
10. Weaving School at Alampur, 24-Parganas.

(2) *Burdwan Division.*

1. Weaving School at Midnapore.
2. Barabari Weaving School, Midnapore.
3. Weaving School at Tamluk, Midnapore.
4. Spinning and Weaving School at Dwaribaria, Midnapore.
5. Union Weaving School at Serampore, Hooghly.

(3) *Rajshahi Division.*

1. Weaving School at Bhogdanga, Rangpur.
2. Weaving School at Ullapara, Pabna.
3. Weaving School at Sahazadpur, Pabna.
4. Weaving School at Marichtala, Bogra.
5. Aided Weaving School at Enayetpur, Pabna.
6. Weaving School at Adamdighi, Bogra.
7. Bhendabari Weaving School, Rangpur.
8. Weaving School at Balua, Bogra.
9. Improved Weaving School at Enayetpur, Pabna.
10. Kendrio Silpa Pratisthan, Bogra.

(4) *Dacca Division.*

1. Dyeing and Weaving School, Pakundia, Mymensingh.
2. Weaving School at Gauripur, Mymensingh.
3. Weaving School at Dhalamulgaon, Mymensingh.
4. Donovan Girls' Industrial School, Madaripur (Faridpur).
5. Weaving School at Madaripur (Faridpur).
6. Swarnamoyee Mohila Bayan Bidyalaya (Mymensingh).

(5) *Chittagong Division.*

1. Industrial School at Nangolkot, Tippera.
2. Model Weaving School at Feni, Noakhali.
3. Katirhat Weaving School at Chittagong.
4. Fatehnagar Arya Weaving School, Chittagong.
5. Weaving School at Hulain, Chittagong.
6. Muslim Silpa Bidyalaya at Baraidhala, Chittagong.

Promotion of Salt Industries in Bengal.

30. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether it is a fact that Mr. S. C. Mitter, Director of Industries, Bengal, called and presided over a conference of salt manufacturers of Bengal to ascertain how the salt industry in Bengal might be promoted and how the amounts sanctioned in the budget of 1939 might be usefully spent;

(*b*) whether it is a fact that the following resolutions were passed in the Conference and forwarded to the Government for necessary action:—

(*i*) that the amounts of Rs.10,000 (non-recurring) and Rs.2,000 (recurring) granted in the March budget of 1939 for promotion of salt industries in Bengal be utilised as early as possible on proper terms and conditions in constructions of embankments, sluice gates, sweet water plants, etc.. at the salt factories working on suitable soil and site in the Province, and

(*ii*) that a Salt Committee with representatives from each of the working salt factories and with some expert officials as members and with the Director of Industries as President be formed;

(*c*) whether the Government have spent any amount, recurring or non-recurring, provided in the budget of 1939 for promotion of the salt industry in Bengal; if not, whether the Government will spend any money during the current financial year; and

(*d*) whether the Government have appointed a Salt Committee as requested in the resolution; if not, when the Government will make this appointment?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) A conference of salt manufacturers was convened and presided over by the Director of Industries to discuss how best the salt industry of Bengal could be helped to adopt the most economic method of salt manufacture suitable for the Province.

(*b*) (*i*) No.

(*ii*) Yes.

(*c*) No, as the scheme for the establishment of an experimental factory for which these amounts were provided had to be abandoned as

being impracticable. Pending examination of the practicability of assisting development of the salt industry by other means, no money will be spent in the current financial year.

(*d*) No. As I have already indicated, the whole question is still under consideration.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister please state if copies of the resolutions passed at the Conference of Salt Manufacturers were submitted to Government for information?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think copies were sent.

Rai Sahib JATINDRA MOHAN SEN: In that case, will the Hon'ble Minister please lay on the table on a subsequent date copies of the resolutions so passed?

The Hon'ble Mr. TAMIZUDDIN KHAN: I have no objection.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state if it was not proposed that the amounts, viz., Rs. 10,000 and Rs. 2,000, respectively, were to be spent for the improvement of the existing salt factories in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Proposed at the Conference?

Rai Sahib JATINDRA MOHAN SEN: No, not at the Conference. My question is: whether the money, that is, Rs. 10,000 non-recurring, and Rs. 2,000 recurring, were provided in the budget for 1939 for the improvement of the existing salt industry in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think I have answered the question in (*c*).

Rai Sahib JATINDRA MOHAN SEN: In that answer I find that this money was allotted for the purpose of establishing an experimental factory for the improvement of the salt industry in Bengal. But my question is whether the fact was that this money was to be spent for giving aid to the existing salt factories in Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I think answer (*c*) includes that idea, but I will look into the matter.

Supply of fuel to the salt factories.

31. Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether it is a fact that the Director of Industries, Bengal, called and presided over a conference of salt manufacturers of Bengal to ascertain how the salt industries in Bengal might be promoted;

(*b*) whether it is a fact that, among others, resolutions were passed and submitted to the Government that—

(*i*) in order to facilitate the supply of fuel and wood for salt factories, fuel be supplied by the Forest Department at the site of the factories on deposit of the royalty and the costs of transit either with the Forest Officer or the Treasury within the jurisdiction of which the factories are situated, and

(*ii*) in order that no party be prejudiced in the supply of the fuel, present boat measurements be discontinued and the system of actual weight of the fuel supplied be introduced;

(*c*) whether the Government have given effect to the recommendations contained in the resolutions; and if not, whether they are prepared to foster this nascent industry by arranging that the licence and the pass may be obtained at the operating forest which supplies the fuel;

(*d*) whether the Government are aware that the method of boat measurements obtained at the Port Commissioners offices is different and gives better results; and

(*e*) whether the Government are aware that for the inconveniences mentioned above the salt factories are using coal instead of wood fuel?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) Certain matters relating to the supply of fuel were mentioned at the conference but they were left to be taken up by the proposed Salt Committee when established. No resolution was passed in the matter.

(*c*) Does not arise.

(*d*) and (*e*) I have no information.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to make an enquiry regarding (*d*) and (*e*) about which he says that he has no information?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, if the honourable member will write to me, I shall make an enquiry.

Point of Information.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, may I refer to one matter? One of my questions relating to the Education Department dating from the last session has remained still unanswered. Last session I brought the matter to the notice of the Leader of the House and supplied him with the materials, and he promised to look into the matter. But I do not know at what stage the thing is now.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as soon as the matter was brought to my notice, I intimated it to the Education Department, and I am not in a position to-day to inform the House what is the present position. But as far as I understood it then, steps were being taken to reply to the question.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, this question is pending from the last year.

Mr. LALIT CHANDRA DAS: I also have a question pending from last year.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rang up the Assistant Secretary, Education Department, and he told me that he had received a reminder from the Council Department and that action was being taken on it.

Mr. PRESIDENT: This is the fourth reminder, I am told.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am sorry, Sir, but I shall find out the position.

Mr. PRESIDENT: The House will now take up Non-official Bills.

NON-OFFICIAL BILLS.

The Bengal Land Revenue Sales (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

In moving this motion, I have to say a few words to the members of the House. The main purpose of the Bill has been explained to the House more than once. It is a simple amending Bill. The aim of the Bill is to make a provision which will enable the landed proprietor or any other person who is affected by a sale under the provisions of the Bengal Revenue Sales Act, 1859, to get the sale set aside in respect of the dues within 30 days. The absence of a provision of law similar to the one that is proposed has been causing hardship and suffering to the landowners and persons affected by such sale in more than one way. In the majority of cases, the estates are sold up not so much for the fault of proprietors as for other causes beyond the control of the proprietors, sometimes without the knowledge of the actual proprietors and the persons affected by the sale. Similar provisions have been made in many other enactments in Bengal. For example, in Rule 89 of Order 21 of the Civil Procedure Code, in section 22 of the Bengal Public Demands Recovery Act of 1913, and so recently as 1939 similar provision was added to the Patni Regulation of 1819. This Bill seeks to remove a great want. It was first circulated and then it was sent to the Select Committee; the Select Committee made certain improvements in the Bill. It has reduced the rate of compensation from 5 per cent. to 3 per cent. and added a provision of appeal to the Commissioner of the Division in cases of refusal to set aside the sale and to revise the rate, and it has added a provision to set aside the sale and another provision to the effect that the person other than the defaulting proprietor who has deposited the money will be in possession of the estate until his deposit money with interest at 6¼ per cent. is paid. These are improvements made by the Select Committee. I think I need not take any more time of the House. I only commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: The question before the House is: that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 2 of the Bill, in the proposed section 37A(*a*), after the words "of the purchase-money," in the last line, the words "but not less than one rupee" be inserted.

Sir, I need not explain why it is necessary to move this amendment, beyond saying that otherwise there will be accounting difficulty.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, in the proposed section 37A(*a*), after the words "of the purchase-money" in the last line, the words "but not less than one rupee" be inserted.

(The amendment was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that in clause 2 of the Bill, in the proposed section 37C(*1*), the words "against any person whom it has been paid," in the last line, be omitted.

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, in the proposed section 37C, the words "against any person to whom it has been paid," in the last line, be omitted.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, in the proposed section 37C, the words "against any person to whom it has been paid," in the last line, be omitted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that the title and preamble of the Bill be added to the Bill.

(The motion was agreed to.)

Mr. NUR AHMED: I beg to move: that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bengal Land Revenue Sales (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Estates Partition (Amendment) Bill, 1940.

Rai Bahadur BROJENDRA MOHAN MAITRA: Sir, I beg to move that the Bengal Estates Partition (Amendment) Bill, 1940, be taken into consideration.

By this Bill I want to remedy an unnecessary anomaly in the Act. On the scheme of the entire land revenue law of the province, particularly of the Land Registration Act, hardly any distinction can be traced between the revenue-free and revenue-paying properties excepting that different registers are kept for the sake of convenience for the two kinds of properties. They are both properties, and for all practical purposes they are the same except that in revenue-paying properties revenue has to be paid and in default the incidents of the land revenue sales attach to it. Otherwise in point of proprietory ownership both are identical. It is, therefore, an anomaly that while you can obtain a collectorate partition in cases of revenue-paying lands you cannot obtain it in cases of revenue-free lands. I think that in the original framing of the Act the omission was not deliberate but accidental. Estate partitions are not so much for the Government as for the proprietors, though of course in such partitions the Collectorate has to proceed on certain principles regarding land revenue and to see that land revenue is not impaired. But if you allow partition to proprietors of revenue-paying lands, on what logic can you refuse such partition to the proprietors of revenue-free lands? Both are, as I have said, properties, one absolutely as good as the other. The Civil Court will never think of refusing such partition because a property is revenue-free. For these reasons I think that the anomaly must be removed and the two kinds of properties must be placed on a par as regards facilities for partition.

This, Sir, is the main purpose of the Bill, although I have taken the opportunity for removing some of these minor difficulties in the administration of the Act. For instance, I have suggested that where there is a finally published record-of-rights and the Collectorate makes that the basis of partition, some of the formailties which would otherwise be necessary might be avoided. This is what I have suggested by clauses 4 and 5.

By clause 6 I have suggested a very small amendment by way of supplying an omission. Whenever a Collectorate would give an extract to a party, there is no reason why the extract should not be certified, that would not entail either much trouble or expense.

By clause 7 I intend to make up what I believe is also an omission. This omission is likely sometimes to create difficulties in the practical working of the Act. Any Collector may put it into his head that he has no power to correct even obvious mistakes and that such mistakes must be rectified by higher authorities. That means delay and unnecessary hardship to the parties. Correction of obvious mistakes and obvious irregularities is a power inherent in every authority—Judicial or Executive. But to avoid any suspicion that such power has been taken away, an express enactment is desirable.

I find that the Hon'ble Revenue Minister has again tabled a motion for circulation. When the Bill came up for consideration in 1939, on the motion of the Hon'ble Revenue Minister, the Bill was circulated. I do not understand why he has again tabled the motion for circulation of the Bill. The only consideration I think that has actuated the Hon'ble Minister to table such motion is that he does not like that any Bill sponsored by a private member of this side of the House be enacted, though there is a volume of public opinion in favour of this Bill.

In placing the Bill for consideration, I am fortified by the opinions I have received by the circulation of the Bill which are, with one or two exceptions, unanimous in their support of the Bill.

Mr. PRESIDENT: Motion moved: that the Bengal Estates Partition (Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Sir, it is true that I once moved for circulation of this Bill and that motion was accepted by the House. I think the Bill is fundamentally wrong and that is why it is not possible for Government to accept a Bill of this character without sufficient support of public opinion. As pointed out by the mover of the Bill himself, he proposes to include revenue-free estates within the scope of the Estates Partition Act. The Estates Partition Act is meant only for the revenue-paying properties, that is, estates. Now he wants to include revenue-free estates also. That is my first objection to the Bill.

Clause 4 of the Bill seeks to provide for the discontinuance of filing rent-rolls in cases where record-of-rights have been prepared and finally prepared. Records-of-rights are not maintained and many of them are out of date. Take, for instance, a district like Mymensingh. I think record-of-rights there was prepared as early as 1910, which is more than 30 years ago, and many changes have in the meantime occurred which are not mentioned in the record-of-rights. (Mr. Lalit Chandra

DAS: Are operations going on now in the Mymensingh district?) No. Naturally, it is not possible for Government to accept the proposal of the honourable member laid down in clause 4 of his Bill.

Secondly, as regards clause 5, his suggestion is that the practice of issuing notices to owners of contiguous properties should be discontinued. Sir, this will give rise to a serious complication so far as the contiguous properties are concerned. My friend seems to have made a confusion between a village and an estate. There may be more than one estate within a village. So, it is necessary to give notice to the proprietors of these estates.

Thirdly, Sir, in clause 6 of the Bill, it is proposed that certified extracts should be supplied. This cannot be accepted. For this will mean that Government will have to forego the right of levying fees which brings large amount of income to the Government coffer.

My last objection, Sir, is that it is proposed in clause 7 that the Collector shall rectify any mistake or irregularity which may arise in the proceedings at any stage. Of course, this is conferring a very wide power on the Collector and placing a serious responsibility on him. In this view of the matter, I suggest that the Bill be again circulated for eliciting public opinion.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Mr. RANAJIT PAL CHAUDHURI: Sir, I did not intend to speak on this matter, but I would like to rise just to record a protest regarding the *modus operandi* of the Treasury Benches towards private members' Bills. This Bill——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of personal explanation, Sir. It is not a fact that Government are unsympathetic to private members' Bills. The mover of the Bill also spoke in this strain. I may just refer the honourable member to the Bill which the House accepted just five minutes ago.

Mr. PRESIDENT: It is a motion for circulation of the Bill for eliciting opinion and has nothing to do with the general merit of the Bill at this stage.

Mr. RANAJIT PAL CHAUDHURI: I am sorry, Sir, but I am coming to that. The Bill was once circulated and as far as I have been able to gather, the majority of the opinion collected has been in favour of the Bill. So Government have brought forward this amendment only to shelve the matter. If a Bill has once been circulated and,

moreover, when 95 per cent. of the opinion is in its favour, I do not see why the Leader of the House should insist upon re-circulating the Bill.

Mr. PRESIDENT: Order, order. The motion is for circulation and no question of re-circulation arises now.

Mr. RANAJIT PAL CHAUDHURI: I am sorry, Sir. What I wish to point out is that this Bill was circulated before. If, as the Hon'ble Minister says, there are some fundamental defects in the Bill. I believe they could be very easily overcome at the Select Committee stage. I, therefore, hope that the Leader of the House will be in sympathy with such Bills and not take up the policy of the "dog in the manger," but should approach private members' Bills in a more sympathetic spirit, especially Bills, like this one, which are so necessary.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I have listened to the objection raised by the Leader of the House. It was said that after all there were few revenue-free estates, and the Act dealing with the partition of estates deals with estates which pay revenue to the Government. But I beg to submit that estates are estates whether revenue-free or revenue-paying. They are on the record in the Collectorate and therefore it cannot be said that revenue-free estates are not estates. The Estates Partition Act can include revenue-free estates also for the purpose of partition. Then another point which has been raised by the Leader on the other side of the House is that there is a provision in the Bill that no notice need be given to the neighbouring estates and he also objects to the section dealing with fees and has further objected to the proposed power of the district officer to rectify an error. I submit that these are points which may very well be decided when the Bill will come up for consideration before the House. He may then move amendments and suggest the best course that can be taken regarding the provision about the neighbouring estates or payment of fees or regarding the power of the district officers in respect of the power of rectifying an error. This Bill was once circulated on the motion of the Hon'ble Sir Bijoy himself and to-day he has advanced exactly the same arguments that he advanced then. Now if the Bill goes back for re-circulation with the same arguments of Sir Bijoy, the opinions that will be expressed by the Associations and other bodies will be exactly the same. So there is no real substance in the objection of the Leader of the House, unless it be that it is a private member's Bill, a Bill sponsored by a private member, and therefore must be opposed.

Mr. PRESIDENT: The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

(The motion was agreed to.)

The Agriculturists' Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Agriculturists Loans (Bengal Amendment) Bill, 1940, be taken into consideration.

Sir, this is a simple amending Bill. The main purpose of this Bill is to remove the bar which stands in the way of granting loans to agriculturists under the Agriculturists Loans Act. As the law stands at present, loans cannot be granted to any individual cultivator however distressed he may be, and it can only be granted to a group of agriculturists on the basis of joint and several liabilities and that also for distress and not for relief of indebtedness or other needs. The result of this provision is most disappointing. This is also a fact which was marked by no less a body than the Bengal Banking Enquiry Committee. In the Bengal Banking Enquiry Report, at page 75, the following weighty remarks have been made:—

"There is not a single cultivator in the village who received any loan from the Government either under the Land Improvement Loans Act or under the Agricultural Loans Act, 1884. In the vast majority of cases of agricultural loans in Bengal the lenders are non-agriculturists, so that a portion of agricultural income is passing into the hands of others. There seems to be a fundamental defect in the Act itself which has rendered it infructuous, for in a vast majority of cases no loan can be advanced under the Act to the needy agriculturists. Only the non-agriculturists and tenure-holders get the loans."

My proposal is to add the word "indebtedness" after "distress," just to widen the scope of that Act. Sir, as far as I remember, there is such a provision in Madras. The Act there was amended to add the word "indebtedness". My second purpose is to add a provision so that loans may be granted on the basis of several liability also. The present system of granting loan on a joint and several liability basis causes hardship. It causes a great hardship if the whole amount is realised from a single debtor. If a debtor is in need of money, he cannot secure it unless there are two or three persons as sureties. In this view of the matter, I think that this amending Bill is very desirable and the Act should be amended as suggested. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Agriculturists' Loans (Bengal Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 28th February, 1942.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 28th February, 1942.

Mr. PRESIDENT: The question before the House is: that the Agriculturists' Loans (Bengal Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 28th February, 1942.

(The motion was agreed to.)

The Bengal Urban Poor Relief Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, in moving that the Bengal Urban Poor Relief Bill, 1940, be taken into consideration, I beg to state that this is a very simple Bill, and it is more or less on the lines of the Bengal Rural Poor Relief Bill which we have already passed and which has since become a law of the country.

Sir, this Bill aims at preparation of a list of the poor and indigent people who are unable to earn their livelihood. In two parts it will be prepared—one showing the names of disabled people who have got contagious diseases and the other part will show other disabled people according to the provisions of this Bill. Every municipality will be required to maintain these lists and to have them revised from time to time and to make provision in their budget for the maintenance and segregation of the disabled people who have got contagious diseases. As regards the other list, they will only take care to see that the people whose names are entered in that list are also looked after now and then by enquiries made regarding them in order to find out that they are not starving for want of food.

These are very simple provisions which this Bill aims at providing for and I think, Sir, there is none here who will think that this Bill is not worth while to be enacted into law.

Sir, I think in Bengal we have not yet got anything like the Poor Laws. I think, therefore, we should make a beginning in that direction with the municipalities in which first of all we should introduce the poor laws. We have provided in this Bill that the municipalities should segregate people with contagious diseases and also prepare another list of those who are indigent. And this is a very modest start to which no one can have any objection.

With these words, Sir, I move that this Bill be taken into consideration. It is not a very cumbrous Bill, and it does not require reference to a Select Committee even.

Mr. PRESIDENT: Motion moved: that the Bengal Urban Poor Relief Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Sir, my point in moving this amendment is this. Only very recently, Sir, the House passed a Bill moved by the honourable member with regard to the mufassil area; and now he proposes to introduce the same measure with regard to municipal areas.

Sir, the municipalities are autonomous bodies, and the Bill seeks to impose certain financial responsibilites on them. So I thnk it is only proper that they should be consulted on the provisions of this Bill before the House commits itself to its principle or proposes to place it on the statute book.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: The question before the House is: that the Bengal Urban Poor Relief Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Ferries (Amendment) Bill, 1939.

Khan Bahadur ATAUR RAHMAN: Sir, I do not move the motion for consideration of this Bill which stands in my name.

The Bengal Wakf (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move: that the Bengal Wakf (Amendment) Bill, 1940, be taken into consideration.

Sir, the Wakf Act of 1934 has been put in operation for several years and the working of this Act is not up to expectation. It has conferred little benefit and has not produced the desired result of efficient and proper management of *wakf* properties in Bengal, nor has it helped in the recovery of many *wakf* properties. The total income of the *wakf* properties in Bengal may exceed Rs. 1 crore and it requires efficient management, but after several years of operation, what do we find? We find that this Act cannot be enforced on all *wakf* properties from a Central Board working from Calcutta. A single Central Board cannot work satisfactorily in a province whose area is about 82,000 square miles and the number of such properties is more than one lakh. So it is desirable that district *wakf* committees should be set up to help the Central Board in all possible ways. The power of the present Wakf Commissioner is very limited. He does

not possess necessary powers which he ought to possess in order to have effective control over the *wakf* properties and the *mutwallis*. I have suggested in this Bill provisions for giving wider power to the Wakf Commissioner. The total sum realised from fees levied on *wakf* properties is increasing year by year. I propose in this Bill provisions regarding the constitution and power of the Central Wakf Board, constitution and power of the proposed district *wakf* committees, reduction of rate of fee leviable on income from *wakf* properties from 5 per cent. to 2½ per cent. and also other things. In view of these things, I think there is a necessity for this Bill. I appeal to the House to support my motion.

Mr. PRESIDENT: Motion moved: that the Bengal Wakf (Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Good Conduct Prisoners' Probational and Temporary Release Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Good Conduct Prisoners' Probational and Temporary Release Bill, 1940, be taken into consideration.

Sir, this is a very humane measure. The last half a centuary has witnessed phenomenal advances on the subject of mental deficiency. It has been discovered that mental deficiency beyond all doubt is a notable factor in the production of crime. In cases of serious crimes, superadded mental instability is the prime cause. Such cases are to be treated and cured and not to be punished for punishment's sake. The prison should act as a reform house and not for the degradation of the morale of the prisoners. The criminals should be given all possible facilities to reform themselves while undergoing imprisonment. In this Bill provisions have been made to give power to the Provincial Government and persons authorised by them to release good conduct prisoners on certain conditions, so that they may come out of the prison

almost new men and become useful members of society, and also to release such prisoners for a temporary period on certain conditions to meet their relatives. Of course, similar provisions are contained in sections 21-27 of the Prisoners Act, 1919, but it is confined to cases of penal servitude only and is only applicable to Europeans and Americans. I propose a similar provision for being applied to all classes of prisoners sentenced to three years or more. Most of the other provinces have enacted similar acts; for instance, the Punjab, Madras and the United Provinces have already passed such an Act, and I think that for the sake of humanity and for the sake of these unfortunate victims who, owing to mental deficiency or other causes, take to crime and commit inhuman acts, the present measure should be enacted into a statute in Bengal. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Good Conduct Prisoners' Probational and Temporary Release Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Amendment moved: that the Bengal Good Conduct Prisoners' Probational and Temporary Release Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Places of Public Amusement (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Places of Public Amusement (Amendment) Bill, 1940, be taken into consideration.

Sir, this is an amending Bill which seeks to amend the Bengal Places of Public Amusement Act of 1933. My proposal is as follows: sub-section (3) of section 2 of the Act definites "place of public amusement." I want to include in that definition cinema houses also. The section as it stands includes a circus and other things, but excludes a cinema. Section 5 provides for the granting of a licence by the District Magistrate for opening places for public amusement and prescribes certain conditions under which he can refuse a licence. Sub-section (2) of section 3 says that if a licence is to be obtained from a local body, the District Magistrate will not grant a licence if the party does not posses a licence from such a local body, but under the Bengal Municipal Act of 1932 no such licence is required for a party

which wants to open a public place of amusement. Only the municipality can impose a levy or tax under section 82 of the Act, so that sub-section (2) of section 3 has become nugatory. Now I want to add sub-section (2) to give powers to municipalities to have a voice in the granting of a licence. My proposal is that if a municipality or a local body by a vote of two-thirds of its members requests the District Magistrate not to issue any licence, the Magistrate should be bound not to issue a licence. This is one of the provisions which I propose; and secondly, I want to add a provision in section 4 giving power to local bodies to frame rules regulating hours and places of public amusements. As at present, the municipal bodies have no power with regard to restricting the hours of public amusements—closing and opening of such amusements. So by this Bill I propose to extend this power to the municipal bodies. Under this Act the Magistrate is given this power, and I propose a new sub-clause by which power will be given to local bodies to frame rules in this respect. Difference of opinion not unoften occurs between the municipality and the local officials. Very recently, such an incident occurred in the Howrah district. The District Magistrate granted licence against the objection of the municipality. I think that for bettering the condition of the rate-payers of the municipality this amending Bill is necessary. I request the members to support my motion.

Mr. PRESIDENT: Motion moved: that the Bill be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st May, 1941.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st May, 1941.

Mr. PRESIDENT: The question before the House is: that the Bengal Places of Public Amusement (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st May, 1941.

(The motion was agreed to.)

The Bengal Court of Wards (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Court of Wards (Amendment) Bill, 1940, be taken into consideration.

Sir, this Bill seeks to amend the Bengal Court of Wards Act of 1879. The main purpose of this amending Bill is to extend the scope

of the present Act. At present, only the proprietor of an estate can apply for the management of these estates under the Court of Wards Act and no other person owning landed properties in towns and other places fetching even an annual income of Rs. 50,000 or more, unless he owns estates paying revenue to Government, can apply under the present Act. I propose to substitute the present definition of proprietor in order to include tenure-holders and other landed proprietors also. Secondly, I propose to substitute for the existing section 6, a new section to enable any proprietor to apply to Government for the management of his estate. I also propose to add a clause to the Bill by which the Provincial Government will be in a position to take over the management of the estates of helpless women, minors, men declared to be insane by a competent authority and other persons who are unable to manage their estates on account of extravagant habits. It is desirable that a popular Government should extend its helping hand to protect the estates of those who are unable to protect themselves. I hope this amending Bill will be accepted by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Court of Wards (Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Court of Wards (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

My object in moving this amendment is that the Bill seeks to widen the scope of the Court of Wards Act by changing the meaning of the expression "proprietor". Here, the honourable member suggests that anybody possessing any interest in land should be considered a proprietor. The main object of taking estates under the Court of Wards is to safeguard Government revenue. The Honourable member suggests that the order by which estates should come under the Court of Wards should be passed not only by the Board but by Government. Government now, Sir, consists of politicians, and I think it will be very unwise to make this change, because in that case political pressure may be put on Government, and Government may be obliged to take any number of estates under their management irrespective of the fact whether it is necessary and desirable to take such estates under the management of the Court of Wards and whether the protection should be extended to such estates or not. In this view of the matter, I move that the Bill be circulated for eliciting opinion thereon.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Mr. PRESIDENT: The question before the House is: that the Bengal Court of Wards (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

(The motion was agreed to.)

The Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be taken into consideration.

Sir, this is a simple Bill the sole purpose of which is to regulate and check excessive and unnecessary expenses on Muslim marriages in Bengal. It is an admitted fact that Muslims of Bengal as a community are proverbially poor. They incur expenses at the time of marriage out of all proportion to their income. Sometimes it so happens that they borrow money for this purpose and in a vast majority of cases the borrowed money cannot be repaid, and they lose as a result what little of movable and immovable properties they possess. This sort of heavy expenses is the cause of economic distress of the community. So there is a necessity to put a check, a stop to this tendency towards excessive expenses on Muslim marriages. Mine is not an anti-dowry Bill. I do not want to abolish dowry. I do not want to put an end to necessary expenditure. My purpose is simply to lay down the scale of marriage expenses by rules framed by the Provincial Government in consultation with the Muslim members of the Bengal Legislature. I know that the argument against this will be that social legislation in India is not very sucessful and as an instance the Sarda Act will be cited. But I should think that the Sarda Act has produced some effect and there is yet some fear lurking in the minds of the people and they sometimes hesitate to get their sons married before the age of 16 years. So I think this piece of social legislation is very necessary in the present circumstances of Muslim society. I think this is a social legislation, and I also think that under the present circumstances of the society it is very necessary. It is only to regulate the expensive expenditure of the marriage that I have brought this Bill, and I hope to get the support of all in this House.

Mr. PRESIDENT: Motion moved: that the Bengal Muslim Marriage Extravagant and Superfluous Expenditure Regulation Bill, 1940, be taken into consideration.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1942.

Sir, the position is this. It is a social legislation which my friend wants us to pass in this House. It involves one, and every one, of the members of the Muslim community. If it applies to a particular class of people, say, richer section or the middle section or the poorer section, I would have understood it; but he wants to apply it to every member of the Muslim community. I fear that if a legislation of this nature is passed without calling for public opinion, it will be a very dangerous move. So, ask my friend to agree with me that the Bill should be circulated first and opinion of the countrymen should be obtained before it can be passed into law.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1942.

Mr. PRESIDENT: The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1942.

(The motion was agreed to.)

The Bengal Public Gambling (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Public Gambling (Amendment) Bill, 1940, be taken into consideration.

Sir, this is a Bill which seeks to amend the Bengal Public Gambling Act of 1867. This is a very important Act and it has been in operation in certain local areas—in limited areas of Bengal. Now, it is a fact that gambling is widespread in certain places of Bengal. I am speaking from my own experience when I say that it is very widespread in the town of Chittagong, but as the Act is not extended to the area of Chittagong, police is simply helpless there. They cannot do anything in this matter. There is another thing that stands in the way of taking any action even in the area where it is in operation. The gambling should be controlled at all costs for the benefit of society. I also propose to introduce graduated punishment for gambling. Under the present Act, there is provision for punishment for the first offence, but there is no provision for the second and subsequent offences. I want to make some necessary changes here and there so that this Act may be extended to the whole of Bengal. It is desirable that for the good of society, for the betterment and welfare of the people of Bengal, gambling which is eating into the core of our society should be suppressed. I think, therefore, that I can rely on the support of the House for this Bill.

Mr. PRESIDENT: Motion moved: that the Bengal Public Gambling (Amendment) Bill, 1940, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that the Bengal Public Gambling (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st May, 1941.

Mr. PRESIDENT: The question before the House is: that the Bengal Public Gambling (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st May, 1941.

(The motion was agreed to.)

The Bengal Bus Drivers and Conductors Bill, 1940.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Bus Drivers and Conductors Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,

(3) Mr. Nur Ahmed,

(4) Mr. Krishna Chandra Roy Chowdhury,

(5) Mr. Latafat Hossain,

(6) Mr. W. B. G. Laidlaw,

(7) Rai Sahib Jatindra Mohan Sen,

(8) Mr. Kamini Kumar Dutta,

(9) Mr. Shrish Chandra Chakraverty,

(10) Mrs. K. D'Rozario, and

(11) the mover,

with instructions to submit their report by the 30th June, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this is not a very ambitious Bill. It seeks to embody some of the provisions which have already come into operation with regard to the drivers of motor vehicles under the Motor Vehicles Rules that have been recently adopted by this Government. But most of these provisions have not been applied so far as the bus drivers and conductors are concerned. As the members of this House are aware, Sir, the bus industry is a growing industry in Bengal and it is desirable at this stage to pass a legislation to regulate the conditions under

which the drivers and conductors work. I have, therefore, placed the Bill for the consideration of the House and hope that my motion to refer this Bill to a Select Committee will find favour.

Mr. LALIT CHANDRA DAS: Sir, I rise on a point of privilege. A convention has been established in this House that three members at least should represent the Congress Party on every Select Committee, but the honourable mover of the Bill has put in only two names and not three. This has rendered the representation of the other side very heavy. This I object to, and it should be disallowed or rectified.

Mr. PRESIDENT: I quite see the point: it offends against section 56(2) of the Council Procedure Rules which runs as follows:—

> "The Minister in charge of the department to which a Bill relates, the member who introduced the Bill and the other members of the Select Committee shall be named as members in the motion proposing the appointment of the committee in such a manner as *to represent, as far as possible, the different parties in the Council.*"

Mr. HUMAYUN KABIR: May I submit, Sir, that generally the way in which I have framed my Select Committees has contained four members who represent the Opposition, seven members from the Government side which I thought represented more or less the strength of the House. I certainly am prepared to accept the suggestion made by Mr. Lalit Chandra Das and if a convention has been established in this House that there should be three members from the Congress Group, I shall be very glad to propose three names from that party in any future Select Committee that I may have to propose. But this notice was sent some time back, and I have not been able to raise the matter on the floor of the House before. I had no opportunity before to-day of explaining why there is this slight discrepancy. I can, however, assure Mr. Lalit Chandra Das that when in future I send notices of Select Committees, his party will be properly represented.

Khan Bahadur ATAUR RAHMAN: May I submit, Sir, that we have not yet been informed who are the members of the Congress Party and who of the Bose Party. That should be intimated to the House.

Mr. PRESIDENT: Order, order. There is only one Congress Party in the Council and no Bose Party.

Mr. LALIT CHANDRA DAS: We all belong to the Congress Party on this side; we have sent in an intimation to this effect and the Hon'ble President knows it.

Mr. PRESIDENT: I think there is an understanding that the Congress Party will have three members in a Select Committee consisting of 11 members. Difficulty often arises when members giving notices of Select Committee motions do not care to consult the party whips. It is the general convention in parliamentary institutions not to put in names of members on Select Committees before obtaining their consent through the respective whips of the respective parties.

Mr. HUMAYUN KABIR: That I have obtained, Sir.

Mr. PRESIDENT: Order, order. As the motion has already been moved, I hope Mr. Das will not press his objection on this occasion but in future, I expect that honourable members who give notices of motions for Select Committees will please observe this convention.

Mr. PRESIDENT: Motion moved: that the Bengal Bus Drivers and Conductors Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Khan Bahadur Saiyed Muazzamuddin Hosain,

(3) Mr. Nur Ahmed,

(4) Mr. Krishna Chandra Roy Chowdhury,

(5) Mr. Latafat Hosain,

(6) Mr. W. B. G. Laidlaw,

(7) Rai Sahib Jatindra Mohan Sen,

(8) Mr. Kamini Kumar Dutta,

(9) Mr. Shrish Chandra Chakraverty,

(10) Mrs. K. D'Rozario, and

(11) the mover,

with instructions to submit their report by the 30th June, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: The question before the House is: that the Bengal Bus Drivers and Conductors Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Municipal (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Naresh Nath Mookerjee,

(3) Mr. Bankim Chandra Datta,

(4) Mr. Moazzemali Choudhuri,

(5) Khan Bahadur Rezzaqul Haider Chowdhury,

(6) Mrs. K. D'Rozario,

(7) Sir T. Lamb,

(8) Raja Bhupendra Narayan Sinha Bahadur,

(9) Mr. Humayun Kabir, and

(10) the mover,

with instructions to submit their report within two months from the date of reference, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, I may very briefly mention the two main objects of the Bill. The main purpose for the introduction of the Bill is to introduce adult franchise. There are some other provisions, but they are not of much importance. I must say that the time has come for the introduction of adult franchise in municipal areas which is more compact, making it easier for adult franchise to be easily introduced. With these few words, I commend my motion to the acceptance of the House.

Mr. LALIT CHANDRA DAS: On a point of privilege, Sir. Here also the established convention has been overlooked. My friend has put in names of 10 members instead of eleven, excluding one member from the Congress Group. To this, Sir, I object.

Mr. PRESIDENT: I see the point. It is for the honourable mover to say if he will add any more name to the personnel of the committee proposed by him. Consent of all the members included in the Select Committee should have been obtained before proposing their names. I shall have to rule such motions out of order in future, if consent of members are not obtanied before their names are proposed for inclusion in the Select Committees.

Mr. NUR AHMED: I have no objection to the addition of another name. I suggest the name of Mr. Lalit Chandra Das.

Mr. PRESIDENT: Motion moved: that the Bengal Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca, Minister in charge of the Public Health and Local Self-Government Department,

(2) Mr. Naresh Nath Mookerjee,

(3) Mr. Bankim Chandra Datta,

(4) Mr. Moazzemali Choudhuri,

(5) Khan Bahadur Rezzaqul Haider Chowdhury,

(6) Mrs. K. D'Rozario,

(7) Sir T. Lamb,

(8) Raja Bhupendra Narayan Sinha Bahadur,

(9) Mr. Humayun Kabir,

(10) Mr. Lalit Chandra Das, and

(11) the mover,

with instructions to submit their report within two months from the date of reference, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

Mr. RANAJIT PAL CHAUDHURI: On a point of information, Sir. Can the honourable member who introduced the Bill, move an amendment himself?

Mr. PRESIDENT: Why not?

Mr. RANAJIT PAL CHAUDHURI: On a point of information, Sir. Can the mover move an amendment himself?

Mr. PRESIDENT: That was no amendment at all.

The Bengal Ferries (Amendment) Bill, 1939.

Khan Bahadur ATAUR RAHMAN: I am not moving the motion which stands in my name, Sir.

The Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move: that the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940, be referred to a Select Committee consisting of——

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Begum Hamida Momin,

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,

(4) Khan Bahadur Naziruddin Ahmad,

(5) Mr. Naresh Nath Mookerjee,

(6) Mr. Kamini Kumar Dutta,

(7) Mr. Dhirendralal Barua,

(8) Mr. W. F. Scott-Kerr,

(9) Raja Bhupendra Narayan Sinha Bahadur,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report within three months from the date of reference, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this is a very simple amending Bill which seeks to provide for a suitable definition of the term "prostitution" and also to give power to the local bodies to regulate this vice of prostitution within their respective areas. As the law on the subject at present stands, no action can be taken for the removal of prostitutes from one quarter to another quarter and the result is that the prostitutes reside in the municipality wherever they like, indiscriminately, and carry on their profession even before places of public worship and in the midst of gentlemen's quarters (mahalla). My object is to give power to the municipal commissioners to regulate this sort of traffic under certain

conditions. Similar powers have been given to the municipal bodies in the Bombay Presidency. This Bill was circulated for eliciting public opinion, and the majority of public opinion have supported the Bill. I think this is necessary, and these amendments are necessary for the proper operation of this Bill. Here I must clear one point. There is an impression in some quarters that because the Bengal Suppression of Immoral Traffic Act has been passed, there is no necessity for this Bill. But it appears to me that that Bill is confined to Calcutta and its suburbs, whereas this Act is in operation in the mufassil areas where the Suppression of Immoral Traffic Act is not in force. With these words, Sir, I commend my motion to the acceptance of the House.

Mr. LALIT CHANDRA DAS: Permit me, Sir, to protest again, and I rise again on a point of privilege. Here eleven names have been put in for constituting the Select Committee, but they include only two members from our party. I would also like to enquire as to whether any of us were consulted when these names were included.

Mr. PRESIDENT: I have given my ruling that the members whose names are proposed for Select Committees must be previously consulted. If that has not been done in this case, I shall rule this motion out of order. I desire to know whether the members were consulted.

Mr. NUR AHMED: Most of the members, Sir, have been consulted, but some one or two members who were absent at the time could not be consulted.

Mr. PRESIDENT: All the members' consent should have been obtained. In future, I shall not accept any such motion.

Mr. NUR AHMED: I beg to submit that none of the members refused to sit on the Select Committee.

Mr. PRESIDENT: Did you consult Mr. Kamini Kumar Dutta or Mr. Naresh Nath Mookerjee of the Congress Party? It is a very bad procedure to suggest names for Select Committee without consulting the members and obtaining their consent. If Mr. Das does not press his objection this time, I would like to allow the mover to move his motion to-day.

Mr. LALIT CHANDRA DAS: Yes, Sir. I do not press the objection; he can move his motion.

Mr. PRESIDENT: I allow this motion to-day but I would remind honourable members that in future they must previously consult the

members of different groups through their respective whips and also obtain individual consent to serve on the Select Committee before the motion is made in the Council.

Mr. PRESIDENT: Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department,

(2) Begum Hamida Momin,

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,

(4) Khan Bahadur Naziruddin Ahmad,

(5) Mr. Naresh Nath Mookerjee,

(6) Mr. Kamini Kumar Dutta,

(7) Mr. Dhirendralal Barua,

(8) Mr. W. F. Scott-Kerr,

(9) Raja Bhupendra Narayan Sinha Bahadur,

(10) Mr. Humayun Kabir, and

(11) the mover,

with instructions to submit their report within three months from the date of reference, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be recirculated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Amendment moved: that the Bill be recirculated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The question before the Houses is: that the Bill be recirculated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Local Self-Government (Amendment) Bill, 1937.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Khan Bahadur M. Abdul Karim,

(3) Khan Bahadur Ataur Rahman,

(4) Mr. Nur Ahmed,

(5) Mr. D. J. Cohen,

(6) Mr. Naresh Nath Mookerjee,

(7) Mr. Kamini Kumar Dutta,

(8) Raja Bhupendra Narayan Sinha Bahadur, and

(9) the mover,

with instructions to submit their report by the 30th June, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, I find from the Order Paper that an amendment has been tabled by the Hon'ble Sir Bijoy Prasad Singh Roy. It is perhaps of a routine nature and he has in sending this amendment perhaps forgotten that this Bill has already been twice circulated for eliciting opinion. To-day as I place this motion before the House once more, I am armed with opinion from the Government side itself which accepts the principle of this Bill. This Bill has been circulated twice as I said a moment ago, and in the course of the two circulations many of the important Government officials of Bengal have changed their attitude with regard to this Bill. Since this Bill was first moved in 1937, I may perhaps remind the House of the main principle underlying this Bill. The first principle is the abolition of nomination; the second principle is the introduction of adult male franchise so far as the local self-governing bodies are concerned; and the third is the differentiation of function between the Provincial and Local Legislature so that no chairman or vice-chairman of a district board or municipality may be eligible for membership of either House of the Legislature. These are three of the most important principles embodied in this Bill, and I find from the papers which has been circulated by our Council office that opinion has in general been favourable to the principle underlying from different parts of Bengal. For example, the District Magistrate of Nadia writes, "I think it is unnecessary to keep nominated people any longer in local bodies, as elected people are expected to be sufficiently responsible and nominated persons are generally looked upon with suspicion." Then, Sir, we find from the report of the Commissioner of the Burdwan Division that he also generally agrees, and it is only in regard to one or two items that he is not entirely in agreement with the principles of my Bill. The Commissioner of the Dacca Division is clearer still. He writes, "As regards the question of abolition of nomination to the local bodies, I am inclined to the view that nomination should not be entirely abolished. Nomination, for purely political reasons must militate against efficiency, but nominees who are qualified either by

special experience or expert knowledge, do very definitely add to the efficiency of local bodies." Therefore, Sir, he suggests that expert persons of this type alone should be eligible for nomination and he definitely states, "I would, therefore, oppose at the present time the entire abolition of nomination, but would confine it to nomination of persons whose special experience or expert knowledge is likely to be of material value in the administration of the local body's affairs." The District Magistrate of Mymensingh goes further still. He says, "I am, after an experience of district conditions in Bengal, in complete agreement with the framer of the Bill. At the beginning there may have been some justification of nominations to such bodies so as to ensure that they might be started on the right lines, but with the general extension of the system of election to local bodies and the accompanying widening of the experience in running such institutions, it is becoming more and more difficult to justify the retention of the system of nomination. There is another consideration —and I would particularly like to bring this to your notice—another consideration that, whereas originally the nominations of District Magistrates were usually accepted, that is not the case now, and although he is no doubt always consulted before final election is made, the existing arrangement does not necessarily ensure that merit is the sole criterion of selection of persons for nomination." That, I think, is a very damaging statement coming as it does from a district officer of Government's own. The opinion of the District Magistrate, Dacca, is equally helpful from my point of view. He says, "I should like to say, however, that two years' experience has brought me to the view that nominations to union boards might well be abolished; I think now that they should be." We find that the District Magistrate of Bakarganj holds the same view. He says, "I am of opinion that in the present circumstances nomination is often an embarrassment to local officers. I have already expressed my view that nominations should be abolished in union boards and district boards and municipalities." I will read only one more opinion and that is from that of the Commissioner of the Rajshahi Division. Sir, these are the opinions of the responsible officials of Government, and they express or at least ought to express opinions which should be seriously weighed by the Government. Their opinion at least should not be characterised by Government as the opinion of their political opponents, or, as one Hon'ble Minister was yesterday inclined to say when he could not answer the charge of inefficiency brought against the present Cabinet, that it was sheer political demagogy. Sir, it is very easy to abuse your opponents when you have no arguments to advance and cannot reply to charges made against you. I have in view particularly the point mentioned yesterday by the Leader of the European Group and myself. But to return to the views of district officers on this particular issue, more particularly the views of officers who are now holding high positions in

the State, for instance, the Commissioners of Dacca, Rajshahi and Chittagong Divisions, and the Magistrates of Dacca, Mymensingh and Nadia; they are people whose opinions are not the opinions of political opponents of Government. This is, Sir, what the Commissioner of Rajshahi Division says: ".....for other local bodies nomination should be retained for the Darjeeling district and elsewhere only for the purpose of providing for any official members thought necessary by Government and of providing on district boards and municipalities female representation. If the above opinion be not accepted, there should be a drastic reduction in the proportion of nominated members to elected members for district boards and municipalities outside the Darjeeling district." Well, Sir, that is with regard to the principle of nomination. Similarly, the District Magistrate of Rajshahi also says that he has no objections to offer to the Bill. The District Magistrate of Bogra says: "I have no objection to the abolition of nominations to the district and local boards, but nominations to union boards should still be retained as these rural institutions are not yet so advanced as to be able to do without some amount of indirect control through nominations."

The above opinions I think conclusively prove, these officers did not agree with my Bill at first, but they are almost in entire agreement with my Bill now that almost all the high officers of Government are in sympathy with the provisions and the main principle of my Bill, as a result of their practical experience of the conditions in the mufassal area, and, further, as the District Magistrate of Mymensingh makes it quite clear, nominations of the District Magistrate are not usually adhered to. If it be argued on behalf of the Government that nominations are given to experts qualified by their distinguished position or of persons reluctant to take part in the exigencies of a political election for participation in the affairs of public life, that argument will not hold water for a single moment. Recently a seat became vacant in the Faridpur District Board through the death of an honourable member of this House, and in his place a gentleman had been nominated to the district board against whom representations were sent to the Hon'ble Minister from all the political parties which function in that district—the Muslim League, the Congress, the Krisak Proja, the Hindu Mahashabha. For once they all unanimously agreed that this gentleman is one who was not fit either by temperament, attainments, qualifications or past record to be a member of the Board. I do not know if it is a confidential matter of the Government, but I would ask the Hon'ble Minister to reply if the District Magistrate has said anything with regard to this particular gentleman, if he has not informed the Government in strong terms that at the last stage if the Hon'ble Minister nominates him he could not prevent it, but he could not agree to the nomination of such a person as a member of the district board. Sir, I am placing this fact before the House; four years ago when my Bill

was first circulated for eliciting opinion, it created a certain amount of opposition: after two years the opposition was minimised to some extent and to-day most of the District Officers of Bengal and Commissioners of Divisions are convinced that it is essential that the nomination system should be abolished at this stage.

Then, Sir, as regards the question of functions of members in the local bodies and in the Legislature, here also the opinion of local officers is that the work of the Legislature is so arduous that it is not fair for a member of the Legislature to take up the work of two different organisations. It will not make for efficiency and good work. The work in the Legislature keeps most of the members away for almost five months in the year, and if they are to keep away five months in the year from the district, it is hardly possible for them to do justice to the local affairs which are entrusted to them. My main object in including this provision in the Bill is to prevent utilisation of local bodies for the purpose of mere electioneering campaign. In many areas in Bengal to-day, local bodies do not do the duties for which they were created, but merely act as electioneering agents to their chairmen and other influential members of the Board. I think it is time that this should be put a stop to. I do not think members of this House and the other House should object to this provision— at least a large number of members should agree to it, because there are 27 district boards and probably another 27 municipalities. I do not attach much importance to the activities of municipalities in this respect, because they are circumscribed in a small area. I am prepared to leave municipalities outside the purview of this Bill. But so far as the district board is concerned, it has a very wide area and the chairman of the district board exercises the greatest influence in the district after the District Magistrate. My object in putting this provision is, firstly, to make sure that election to the Legislature is not unduly influenced by utilising the agency of district boards. Secondly, the member of a local body, if he is also a member of the Legislature cannot do justice to his work in the district. On the other hand, the district board becomes a mere electioneering machine and corruption of all sorts enter into the operations of the district boards. So the Government of Bengal should accept this salutary Bill—either by accepting it or by taking it up themselves they have accepted at least two of my Bills before and enacted them as Government measures, and I am not reluctant to hand this Bill over also to the Government if they are prepared to take it over. So far as the members of the two Legislatures are concerned, they also should not object. After all, out of 315 members of the Legislatures 27 members only can become chairmen of the district boards. There may be a lurking hope in the minds of those members that some time they may become chairmen of the district boards. but after all there are only 27 boards in Bengal and the remaining 283 members of the Legislature ought to accept the principle of this Bill.

Then, Sir, as regards the question of adult male franchise, to-day it is accepted all over the world that every adult man should have a voice in the administration of the affairs of the country. But if in the case of the Provincial Legislature and in the case of the Central Legislature, we are not in a position to entrust every adult with the actual formulation of the policy of the Cabinet, we should at least make a beginning with the local bodies. In the local bodies also mistakes might no doubt be made. Even if mistakes are made, such mistakes will be made within small spheres. Therefore in the case of the district boards, if adult male franchise is introduced, it would go a long way towards educating public opinion. Besides there is to-day very little difference from adult male franchise in the conditions which actually obtain to-day in provincial elections. A very large proportion of the people have been enfranchised and, therefore, it is not up to any member to get up and say that the masses are not capable of running their affairs or to return proper persons to positions of authority. If that be the case, then the honourable members who are here to-day have no sanction behind their actions. If the masses of Bengal are competent to return the Ministers of Bengal, they are certainly competent to return members of the district boards and the chairmen of the district boards. So I hope that Sir Bijoy Prasad Singh Roy, in spite of the formal and routine amendment which he has tabled to-day in the case of all non-official Bills, will see his way to wisdom like many of his own subordinate officers in the different districts and divisions and take light and accept this Bill or bring forward a Government Bill incorporating the principles of this Bill of mine.

Mr. PRESIDENT: Motion moved: that the Bengal Local Self-Government (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Khwaja Habibullah Bahadur, Minister in charge of the Public Health and Local Self-Government Department,

(2) Khan Bahadur M. Abdul Karim,

(3) Khan Bahadur Ataur Rahman,

(4) Mr. Nur Ahmed,

(5) Mr. D. J. Cohen,

(6) Mr. Naresh Nath Mookerjee,

(7) Mr. Kamini Kumar Dutta,

(8) Raja Bhupendra Narayan Sinha Bahadur, and

(9) the mover,

with instructions to submit their report by the 30th June, 1941, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Sir, I have listened with very great interest to the dissertation on the abolition of "nomination" given by the learned Professor, but I still remain unconvinced as regards the merit of his Bill. It was very refreshing for me to find that my honourable friend had at least found it necessary to take light from the permanent officials of Government, namely, from the Collectors and the Commissioners. I hope he will continue to do so and will grow wiser as he acquires more and more experience in public life. As he has himself explained, the Bill seeks to introduce very far-reaching changes in the constitution of our local bodies, and Government cannot for that very reason accept the motion without adequate consideration, without obtaining full public opinion on the various points raised in his Bill. It is true, Sir, that this measure was circulated more than once for eliciting public opinion. Now, as the opinions that we have received will show, there is considerable divergency in the opinion expressed by the different public bodies and individuals. That itself proves that it is not a matter which can be decided without a very serious and careful consideration. The one fact which has been very much stressed by the honourble member is that Government nominates persons without any consideration and that persons against whom there is public feeling are sometimes appointed on public bodies. Sir, this is a mentality of my honourable friend which I sincerely deplore. He ought to realize that Government to-day has the full backing of public opinion. So whatever Government does must be deemed to have been done with the full concurrence of public opinion and keeping public opinion in view. My friend cannot suggest that he represents public opinion greater than the present Ministry, otherwise we would not have been in office; on the other hand, we would have been in the Opposition Benches and my friend would have occupied the seats which we are now occupying. So it is no use arguing that Government do not attach sufficient importance to public opinion or Government do not represent public opinion.

Sir, the question of abolition of nomination is receiving very serious consideration of Government, but it is a matter which is by no means free from difficulties. There are the minority communities, there are the special interests, there are the exprts. If we abolish nomination altogether and introduce adult franchise, as has been proposed by the mover of the Bill, how are these interests going to be represented, how

are their interests going to be safeguarded. If my friend can suggest a solution of this problem, then certainly we are prepared to do away with nomination. I can assure him that making of nomination does not give any pleasure to Government, neither does it add to the strength of Government; but they have to discharge a duty however unpleasant that might be and however embarrassing that might be at times. They cannot shirk public duty simply because it is sometimes unpleasant or embarrassing. I believe that the majority of the opinions collected here in this book are against my honourable friend's Bill. So, it is not fair to argue that public opinion is with him and not with Government. Government do not want to oppose and kill this Bill. They do realise that there is a considerable volume of public opinion in favour of this measure, but they are not yet convinced that that is the real opinion of the country. On the other hand, there are reasons to infer that the public are for the retention of the system of nomination and not for its abolition.

So far as the question of adult franchise is concerned, that involves the question of a heavy expenditure by the local bodies on elections. It is known to my honourable friends here that the local bodies have got fixed sources of revenue and their income is by no means elastic. So, it will be undesirable to put further financial liabilities on them only for the purposes of election or for travelling allowance of members. Because, if you do away with nomination, if you lower the franchise, naturally the number of members on these local bodies will have to be increased for the proper representation of larger electorates and that means additional expenses on travelling allowance. So, these are the points that should be very carefully considered and then and then only this question can be decided.

In this view of the matter, I move for the re-circulation of the Bill.

Mr. PRESIDENT: The Hon'ble Minister is moving for re-circulation and not for circulation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. PRESIDENT: Is it not correct that this Bill was twice circulated for eliciting public opinion before?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So, Sir, I move for re-circulation.

Mr. PRESIDENT: The Leader of the House has fixed 30th June, 1941, for obtaining public opinion. I can well imagine the case of Government opposing a motion for reference to the Select Committee which commits the House to the principle of the Bill; but I think

Government should seriously consider in such a case, where a Bill has been circulated for eliciting public opinion twice—once in 1938 and again in December, 1940—whether they should move for its recirculation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am much obliged to you, Sir, for drawing the attention of Government to this fact, but as I had previously explained, Government are considering this question. A great change has been brought about by the introduction of the new Constitution under the Government of India Act of 1935 and sufficient experience has not yet been acquired regarding the effect of this change. Whether, in the light of the experience gained by the working of the legislature, public bodies should be remodelled on the same lines or not, is a matter that cannot be easily decided, and Government want to acquire sufficient knowledge before they come to a decision.

Mr. PRESIDENT: Then, why don't you ask for a longer period? It is likely that 30th June of this year will not be a sufficient period for the Government to come to a decision on such an important matter and it will not be fair to the House to be again asked to extend the period. So, I remind the Hon'ble Minister that the next time this matter comes up before the Council, Government should make up its mind one way or the other.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I quite see the point, Sir, and agree that probably a longer time would have been more justifiable.

Mr. PRESIDENT: Amendment moved: that the Bengal Local Self-Government (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal State Aid to Industries (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal State Aid to Industries (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,

(2) Khan Bahadur Ataur Rahman.

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,

(4) Mr. Hamidul Huq Chowdhury,

(5) Mr. Shrish Chandra Chakraverty,

(6) Mr. Birendra Kishore Roy Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Rai Manmatha Nath Bose Bahadur, and

(9) the mover,

with instructions to submit their report within two months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, it is a very simple amending Bill and the object of this amendment is to widen the scope of giving aid to industries in Bengal. It is an admitted fact that the provisions of the present Act are very rigid and no sufficient monetary aid can be given to industries under this Act. It is found from the reports of the Industries Department that only very few cases of loan have been granted. It is also said that there is no provision in the present Act to give a subsidy to cottage industries or village industries in Bengal, but it is a very desirable thing that the cottage industries should be encouraged by subsidy. In the Acts of the other provinces there is a similar provision to give subsidy to the cottage and village industries, but the present Act is applicable only to those industries which make use of machineries. Therefore, this amending Bill is very desirable so that we could have our cottage industries fully developed. Other amendments have been proposed which are consequential to the main amendment. There is also a provision for giving loan without security up to Rs. 1,000. I think that at a time when cottage industries should be developed and the special industries of Bengal should be developed, every encouragement should be given with a view to take full advantage of the situation created by the war. I think this amending Bill is necessary and, therefore, I hope that honourable members will support my motion.

Mr. PRESIDENT: Motion moved: that the Bengal State Aid to Industries (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tamizuddin Khan, Minister in charge of the Agriculture and Industries Department,

(2) Khan Bahadur Ataur Rahman,

(3) Khan Bahadur Saiyed Muazzamuddin Hosain,

(4) Mr. Hamidul Huq Chowdhury,

(5) Mr. Shrish Chandra Chakraverty,

(6) Mr. Birendra Kishore Roy Chowdhury,

(7) Mr. W. B. G. Laidlaw,

(8) Rai Manmatha Nath Bose Bahadur, and

(9) the mover,

with instructions to submit their report within two months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Motion moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Primary Education (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Bengal Primary Education (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department,

(2) Dr. Radha Kumud Mookerji,

(3) Mr. Naresh Nath Mookerjee,

(4) Khan Bahadur Naziruddin Ahmad,

(5) Khan Bahadur Saiyed Muazzamuddin Hosain,

(6) Begum Hamida Momin,

(7) Raja Bhupendra Narayan Sinha Bahadur,

(8) Mr. Humayun Kabir,

(9) Mr. Mesbahuddin Ahmed,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, I do not want to take the time of the House by repeating the arguments made previously in favour of my other Bills. The provisions of this Bill are very necessary. With these words, I commend my Bill to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Primary Education (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department,
(2) Dr. Radha Kumud Mookerji,
(3) Mr. Naresh Nath Mookerjee,
(4) Khan Bahadur Naziruddin Ahmad,
(5) Khan Bahadur Saiyed Muazzamuddin Hosain,
(6) Begum Hamida Momin,
(7) Raja Bhupendra Narayan Sinha Bahadur,
(8) Mr. Humayun Kabir,
(9) Mr. Mesbahuddin Ahmed,
(10) Mr. W. B. G. Laidlaw, and
(11) the mover,

with instructions to submit their report within three months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

Mr. PRESIDENT: Motion moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1941.

(The motion was agreed to.)

The Bengal Domestic Servants' Relief Bill, 1940.

Mr. HUMAYUN KABIR: I beg to move that the Bengal Domestic Servants' Relief Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

Sir, I have only this much to say in respect of this Bill that since it is a Bill for circulation, the honourable Leader of the House, I hope, will not find it difficult to accept it.

Mr. PRESIDENT: Motion moved: that the Bengal Domestic Servants' Relief Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move: that for the figures and words "30th September, 1941" in the motion, the figures and words "31st December, 1941" be substituted.

Mr. PRESIDENT: Amendment moved: that for the figures and words "'30th September, 1941" in the motion, the figures and words "31st December, 1941" be substituted.

The question before the House is: that for the figures and words "30th September, 1941" in the motion, the figures and words "31st December, 1941" be substituted.

(The motion was agreed to.)

The Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Usurious Loans (Bangal Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

Mr. PRESIDENT: Motion moved: that the Usurious Loans (Bengal Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The question before the House is: that the Usurious Loans (Bengal Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

(The motion was agreed to.)

The Bengal Money-lenders (Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move: that the Bengal Money-lenders (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

Mr. PRESIDENT: Motion moved: that the Bengal Money-lenders (Amendment) Bill, 1940, be circulated for the purpose of elicting opinion thereon by the 31st July, 1941.

The question before the House is: that the Bengal Money-lenders (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1940.

(The motion was agreed to.)

The Bengal Food Adulteration (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

Mr. PRESIDENT: Motion moved: that the Bengal Food Adulteration (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The question before the House is: that the Bengal Food Adulteration (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

(The motion was agreed to.)

The Bengal Juvenile Smoking (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1941.

Mr. PRESIDENT: Motion moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th August, 1941.

The question before the House is: that the Bengal Juvenile Smoking (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th August, 1941.

(The motion was agreed to.)

The Court Fees (Bengal Amendment) Bill, 1941.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Court Fees (Bengal Amendment) Bill, 1941.

Mr. PRESIDENT: Motion moved: that leave be granted to Mr. Nur Ahmed to introduce the Court Fees (Bengal Amendment) Bill, 1941.

The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Court Fees (Bengal Amendment) Bill, 1941.

(The motion was agreed to.)

(The Secretary then read the short title of the Bill.)

Mr. PRESIDENT: The Bill is introduced.

The Bengal Pasture Bill, 1940.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg leave to introduce the Bengal Pasture Bill, 1940.

Mr. PRESIDENT: Motion moved: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Pasture Bill, 1940.

The question before the House is: that leave be granted to Khan Bahadur Saiyed Muazzamuddin Hosain to introduce the Bengal Pasture Bill, 1940.

(The motion was agreed to.)

(The Secretary then read the short title of the Bill.)

Mr. PRESIDENT: The Bill is introduced.

The Calcutta Improvement (Amendment) Bill, 1941.

Mr. RANAJIT PAL CHAUDHURI: Sir, I formally beg leave to introduce the Calcutta Improvement (Amendment) Bill, 1941.

Mr. PRESIDENT: Motion moved: that leave be granted to Mr Ranajit Pal Chaudhuri to introduce the Calcutta Improvement (Amendment) Bill, 1941.

The question before the House is: that leave be granted to Mr. Ranajit Pal Chaudhuri to introduce the Calcutta Improvement (Amendment) Bill, 1941.

(The motion was agreed to.)

(The Secretary then read the short title of the Bill.)

Mr. PRESIDENT: The Bill is introduced.

The Bengal Local Self-Government (Amendment) Bill, 1940.

Khan Bahadur ATAUR RAHMAN: Sir, I beg leave to introduce the Bengal Local Self-Government (Amendment) Bill, 1940.

Mr. PRESIDENT: Motion moved: that leave be granted to Khan Bahadur Ataur Rahman to introduce the Bengal Local Self-Government (Amendment) Bill, 1940.

The question before the House is: that leave be granted to Khan Bahadur Ataur Rahman to introduce the Bengal Local Self-Government (Amendment) Bill, 1940.

(The motion was agreed to.)

(The Secretary then read the short title of the Bill.)

Mr. PRESIDENT: The Bill is introduced.

The Bengal Medical (Amendment) Bill, 1941.

Dr. KUMUD SANKAR RAY: Sir, I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1941.

Mr. PRESIDENT: The only difficulty regarding this Bill is that the previous sanction of the Governor is necessary before its introduction but it has not yet been obtained. So, this cannot be moved to-day.

Order, order. The Council stands adjourned till 2-15 p.m. on Tuesday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 4th March, 1941.

Members absent.

The following members were absent from the meeting held on the 28th February, 1941:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur Keshab Chandra Banerjee.
(3) Mr. Srish Chandra Chakraverti.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(7) Mr. R. W. N. Ferguson.
(8) Mr. Mohamed Hossain.
(9) Khan Bahadur Syed Muhammad Ghaziul Huq.
(10) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(11) Khan Bahadur M. Abdul Karim.
(12) Khan Bahadur Muhammad Asaf Khan.
(13) Maulana Muhammad Akram Khan.
(14) Sir T. Lamb.
(15) Dr. Radha Kumud Mookerjee.
(16) Mr. J. B. Ross.
(17) Mr. W. F. Scott-Kerr.
(18) Raja Bahadur Bhupendra Narayan Sinha.

B. G. Press—1941-42—75A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 4th March, 1941, at 2-15 p.m., being the tenth day of the First Session, persuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Oath.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the Table and take oath or make affirmation of allegiance in the manner prescribed.

Mr. J. McFarlane then took the oath of office.

QUESTIONS AND ANSWERS

Questions which remained outstanding from the previous session and replies thereto.

Rewards to sailors.

74. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government of Bengal is aware of the fact that the Government of the Punjab have decided to distribute 30,000 acres of Government *khas* land as rewards to soldiers and heirs of the soldiers?

(*b*) Do the Government of Bengal propose to distribute *khas* lands as rewards to sailors and the heirs and relatives of the deceased laskars as is proposed to be done in the Punjab? If not, why not?

(*c*) Do the Government propose to issue necessary instructions to the Collectors of all districts in Bengal in general and to the Collector of Chittagong in particular to distribute available *khas* lands as rewards to sailors, laskars and their heirs and relatives for cultivation after reclamation, if so required? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Home Department, the Hon'ble Khwaja Sir Nazimuddin): (*a*) I have no information.

(*b*) Does not arise in view of the answer under (*a*) above.

(*c*) Government are enquiring into the matter and will come to a decision after having received replies to their enquiries.

Mr. NUR AHMED: Arising out of (*a*), will the Hon'ble Minister be pleased to state if any enquiry has been made from the Government of the Punjab?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are enquiring into the matter. I have already said, Sir.

Alleged communal activities of the Subdivisional Officer, Ranaghat.

32. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the name, standing and experience of the present Subdivisional Officer in charge of the Ranaghat subdivision;

(*b*) whether it is a fact that the Subdivisional Officer has during his tour in the mufassal, prior to the last *Bakr Id* festival, enquired at places having some Moslem population whether they were going to perform *korbani* there, although there had been no such performance ever before at those places;

(*c*) whether it is a fact that on the Moslem residents replying in the negative, he took them to task for not thinking of performing the *korbani* adding that if they were resisted, he would order firing on the resisters; and

(*d*) whether it is a fact that reports have reached headquarters of such zeal for inciting communalism on the part of the Subdivisional Officer in question from places where he was previously posted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Maulvi Aminulla, B.C.S., an officer of 14 years' standing, who has held charge of several subdivisions since 1929, continuously since 1937.

(*b*) and (*d*) No.

(*c*) Does not arise.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister be pleased to make further enquiry as to whether or not the said Subdivisional Officer made this statement in Sandilya, police-station Chakdah?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government did make an enquiry and these allegations were not found to be correct. In view of that matter, Government do not consider it necessary to make further enquiry.

Transfer of the headquarters of Noakhali.

33. Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether he has given up the idea of transferring the headquarters of the district of Noakhali to Begumganj; and

(*b*) if not, whether he proposes to provide sufficient funds for the purpose?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy: (*a*) No.

(*b*) Yes.

34. The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I reply on behalf of the Nawab Bahadur of Dacca, as he is absent to-day?

Mr. PRESIDENT: As has been done on previous occasions, it would be better to postpone the question to-day.

Powers of the Labour Commissioner.

35. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what are the powers of the Labour Commissioner, Assistant Labour Commissioner and the Labour Officers?

(*b*) If the answer to paragraph (*a*) be to the effect that they have no powers, will the Hon'ble Minister be pleased to state how those officers may be of real help to the labourers?

(*c*) Do the Government propose to enact legislative measures with a view to vest them with sufficient and real powers calculated to safeguard the genuine and legitimate interests of the labouring population in this Province? If so, when?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Labour Commissioner and the Assistant Labour Commisioner have been

appointed Conciliation Officers under section 18A of the Trade Disputes Act and exercise the powers specified therein for the purpose of mediating in, or promoting the settlement of, trade disputes. They have also been appointed *ex-officio* Inspectors of Factories.

The Labour Officers have not been vested with any statutory powers as yet, but they assist the Labour Commissioner and the Assistant Labour Commissioner in the exercise of the functions and duties aforesaid.

(*b*) Does not arise.

(*c*) The question of vesting the officers of the Labour Department with more extensive powers is under consideration.

Mr. K. C. ROY CHOWDHURY: With reference to the answer to part (*c*), will the Hon'ble Minister be pleased to state when he intends that this grant of extensive powers will be seriously considered?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is being seriously considered and a Special Officer is looking into all the various trade disputes which have occurred within the last four years in order to ascertain what more powers should be given to the labour officers, and as soon as I have got sufficient information we propose to deal with the subject.

Mr. K. C. ROY CHOWDHURY: But how long will that take?

The Hon'ble Mr. H. S. SUHRAWARDY: I may inform the honourable member that this particular matter of trade disputes is rather of a delicate nature and much consideration has to be paid to it before a final decision can be arrived at. I cannot therefore promise the honourable member that I can expedite the matter.

Mr. J. B. ROSS: Will the Hon'ble Minister please state what is the nature of the powers which Government has under consideration to grant to the labour officers?

The Hon'ble Mr. H. S. SUHRAWARDY: The subject matter of what powers are to be conferred on the labour officers is under enquiry and is not yet under the consideration of Government.

Maulvi LATAFAT HOSSAIN: Is it not a fact that the Labour Commissioner has got no power and is entirely dependent on the mercy of the capitalists?

The Hon'ble Mr. H. S. SUHRAWARDY: The Labour Commissioner has somewhat extensive powers under section 18A of the Trade Disputes Act, but certainly the powers are not of sufficient scope, and I must regret to have to state that on many occasions he has been impeded in the exercise of his powers.

Mr. KAMINI KUMAR DUTTA: Sir, may I seek your permission to make a statement on behalf of the Congress Council Party?

Mr. PRESIDENT: Yes, Mr. Kamini Kumar Dutta.

Statement by the Leader of the Opposition.

Mr. KAMINI KUMAR DUTTA: Mr. President, I seek your permission and also the indulgence of the House for making a statement on behalf of the Congress Council Party.

Mr. President, the Indian National Congress is a non-violent revolutionary organisation. It decided to enter the Legislature with the hope of ameliorating the condition of the masses and also for organising the nation for its fight for independence. That it did its best—in spite of great difficulties and in spite of the limitations of the Government of India Act—is beyond all controversy. But experience has further confirmed our belief that it is not possible to do anything substantial unless you are complete master in your own house. Woe to the nation over whose destinies rule the strangers!

Then came the war and India was dragged into it without any consultation whatever. Even then, India with her bitter experience of two hundred years' foreign Fascist domination was not unsympathetic towards Great Britain. But it soon became manifest that words have one meaning for England and another for India. Democracy in England does not mean democracy in India. It became evident that Great Britain was only concerned in fighting Nazism outside her own empire. Freedom for England not only means freedom of England from Nazism and Fascism but also freedom to continue Nazism in India! India cannot agree to this. India cannot submit to her annihilation by the extraction by Fascist method of her already depleted resources in course of a war that is not hers. The Congress, therefore, has been compelled to withdraw from parliamentary work and begin direct action.

In Bengal the present Ministry raised into power by a communal electorate supported by the European Group has been riding roughshod over the will of the people. It has neither a clear comprehension of the problems of this province nor any comprehensive scheme to solve them. It has passed reactionary measures. It has

increased and is increasing the burden of taxation. It has created an atmosphere of bitter communalism. Drunk with power, unrestrained by any sense of fairness or dignity, it has misgoverned Bengal for the last four years. And if the language of its head is any indication, there is no hope of any return of sanity. Here also we find no encouragement for constructive opposition.

In these circumstances, Mr. President, we have in accordance with the direction of the All-India Congress Parliamentary Committee decided to withdraw from this House. Half of the members of the Bengal Congress Parliamentary Party are already in jail. We have no heart for parliamentary work when the flowers of the nation all over India are rushing into jail. Direct action and parliamentary work go ill together. It is true that Bengal has her special troubles, but the source of all trouble is loss of independence. And in the fight for independence Bengal must line up with the rest of India. But, Sir, whenever the present Government brings forward measures to trample the fundamental interest of this province, those of us who will remain outside the prison will come here to record our opposition.

Mr. President, before we withdraw I would also like to make it clear that by withdrawing we mean no disrespect to the House and no discourtesy to the Chair.

Mr. President, I thank you.

Mr. HUMAYUN KABIR: Mr. President, Sir, on this occasion when the majority group of the Opposition in the House desire to withdraw from the House, I feel it my duty to make a few remarks in connection with that statement.

I will not go into the merits of the statement which the Honourable Leader of the Opposition has made; but I will only, through you, draw the attention of this House to the example of Nazism from which Bengal also is suffering to-day. It is understood all over the world that official Opposition is a part of the administrative machinery of any parliamentary form of Government, as democracy cannot work unless there is an Opposition to criticise the measures of the Government and offer constructive suggestions at times and oppose those measures which are in the opinion of the Opposition not beneficial to the people of the country. But unfortunately that is not the attitude of the present Government. At present the Cabinet, whenever there is Opposition, is inclined to treat it without that respect which is expected of them. I will only give one example. It is quite possible that there should be difference between the Opposition and the Government with regard to a particular measure. It may be that we on this side of the House——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. A statement has been made by the Leader of the Congress Group expressing its desire to withdraw from the House. Does this statement give rise to an occasion to discuss the policy of Government and to, if I may say so, attack the Government in respect of its policy?

Mr. PRESIDENT: That is correct. No discussion of Government policy will be allowed on this occasion.

Mr. HUMAYUN KABIR: That is quite true, Sir, and I shall not therefore criticise any particular policy of the Government, but I only want to point out that the Opposition is a part of the constitutional machinery and if the Opposition is denied its functions by the present Ministry, it is very difficult for the Opposition to operate. As I said a moment ago there may be honest differences of opinion with regard to particular measures and there are certain measures which the Government may think desirable and we may think otherwise and *vice versa*. But that is no reason why the Government should use its power to stifle criticism of its measures as has been done on certain occasions and that is why I wanted to give one particular example of that.

Mr. PRESIDENT: Order, order. As I listened to the statement of the Leader of the Opposition, it seemed to me that his remarks were directed not so much against the Provincial Government as against the attitude of the British Government towards the Indian situation in general.

Mr. HUMAYUN KABIR: I submit, Sir, that that is quite correct; but here we find in Bengal a particular example of the general principle which has been laid down by the Leader of the Opposition. The Leader of the Opposition pointed out quite correctly that there can be no policy of the Government so long as there are forces which are hindering the proper expression of democracy in India, but in this province we find that a popularly elected Ministry is using those very powers to stifle criticism of those measures and in this way——

Mr. PRESIDENT: I am afraid, the honourable member is not in order. The House has listened to the statement of the Leader of the Congress Party who is also the Leader of the Opposition. The Congress Party as well as every other party in the House has full liberty to come to any decision as regards their line of work in the House. It is true that the official Opposition has a very important and vital function assigned in the parliamentary system of Government, and it is for the

same reason that in the British House of Commons the Leader of the Opposition is paid an annual salary of £2,000. The Chair has absolutely nothing to say about the merit or demerit of the statement that has been made, but the Chair naturally regrets that the House will be deprived of the co-operation and advice of the second largest single party in this House, by reason of the withdrawal of the members of the Congress Party.

(The Congress Party at this stage withdrew from the Chamber.)

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. It is quite true, as you have just now said, that the Opposition and the Leader of the Opposition plays a very useful part in a parliamentary body; but as the Leader of the Opposition has just now withdrawn from the Chamber with the entire Opposition, would it be in order to proceed with the business of the House without an Opposition or a Leader of Opposition? That is a point of order which arises to my humble mind.

Mr. PRESIDENT: If any particular party decides to abstain from attending the House, it will be even then constitutionally correct to continue the work. His Majesty's Government must be carried on even if one or more parties refrain from attending the Council. So, there is nothing unconstitutional in continuing the Council sittings.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, Sir, I am not in a position to move this to-day.

Mr. PRESIDENT: Next Bill.

The Bengal Motor Spirit Sales Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bill be taken into consideration.

Sir, the purpose of this Bill is to supplement our resources in order to provide for new roads and better communication in Bengal. The Road Board Fund which is allotted to the Government of Bengal by the Government of India is nearing exhaustion. There was consideration accumulation under the previous Government owing to work not having been taken up. Work is now progressing satisfactorily and we are spending about 30 to 32 lakhs annually for new roads sanctioned by the Government of India. There is still certain accumulation in hand, but the annual income is much less and

is not likely to exceed the figure of 19 lakhs in the best years. We have, therefore, to find money to supplement the Road Board Fund if we wish to carry on the work which we have taken in hand. Schemes of about Rs. 195 lakhs have already been sanctioned and on these schemes we expect to spend about Rs. 102 lakhs by the end of this financial year. There are many more schemes which have been sent to the Government of India which are pending sanction and which probably will not be sanctioned unless a substantial progress is made in respect of the schemes which have already been sanctioned.

Now, Sir, we propose from these funds to allot a fair portion, possibly a moiety, to supplement the Road Board Fund and the rest to be spent for interdistrict roads for feeder and market roads in those districts which have not had the benefit of any expenditure from the Road Board Fund. Inasmuch as, Sir, we have certain sums of money in our hands which are not likely to be spent this year. We do not propose introducing this taxaton before the 1st October of this year. I may state further that the expenditure even on those schemes outside the Road Board Fund will be undertaken by Government and will be undertaken on the advice of the Board of Communications. This Board will take into consideration the very valuable report of Mr. King who has classified the roads in order of their importance and will advise the Government as to what roads may be taken up with advantage to the improvement of communications.

I hope, Sir, that the House will take this Bill into its consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Motor Spirit Taxation Bill, 1941, be taken into consideration

The question before the House is: that the Bengal Motor Spirit Taxation Bill, 1941, be taken into consideration.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: May I suggest, Sir, that you be pleased to fix a date to consider the amendments to the clauses of this Bill. Perhaps you may be pleased to fix an early date, say day after to-morrow if it suits your convenience.

Mr. PRESIDENT: Will it suit the convenience of the House to send in amendments if the Bill be taken up day after to-morrow? If there is no objection, I may fix day after to-morrow.

Mr. HUMAYUN KABIR: What is the last date for sending in amendments?

Mr. PRESIDENT: Office has already received notices of many amendments. I fix to-morrow, till 3 p.m., as the time for giving notices for further amendments. This Bill will be taken up, clause by clause, on the 10th March.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Sir, we have not got any programme for the next week and unless we get a programme at least for one week ahead, we cannot come prepared and usefully take part in any discussion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is possible that on Tuesday, the 11th March, I may be in a position to move before the House that the Sales Tax Bill, as passed by the Assembly, be taken into consideration.

Mr. PRESIDENT: Then, when are you going to consider the clauses of the Motor Spirit Sales Taxation Bill?

The Hon'ble Mr. H. S. SUHRAWARDY: On the 10th March, as I have suggested just now. This is with reference to the programme of business that one honourable member wanted to have an idea of. And I might tell him that next week on the 11th March I may be able to move that the Sales Tax Bill be taken into consideration.

Mr. PRESIDENT: All right. I adjourn the Council now till the 10th March.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 10th March, 1941.

Members absent.

The following members were absent from the meeting held on the 4th March, 1941.

(1) Mr. Kader Baksh.

(2) Rai Bahadur Keshab Chandra Banerjee.

(3) Mr. Narendra Chandra Dutta.

(4) Khan Bahadur Alhaj Khwaja Muhammad Esmail.

(5) Mr. R. W. N. Ferguson.

(6) Mr. Mahomed Hossain.

(7) Khan Bahadur Syed Muhammad Ghaziul Huq.

(8) Maulana Muhammad Akram Khan.

(9) Khan Bahadur Muhammad Asaf Khan.

(10) Mr. Naresh Nath Mookerjee.

(11) Dr. Radha Kumud Mookerjee.

(12) Dr. Kumud Sankar Ray.

(13) Raja Bahadur Bhupendra Narayan Sinha.

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IE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 10th March, 1941, at 2-15 p.m., being the eleventh day of the First Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

The President (the Hon'ble MR. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

75. The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, may I reply to the questions which relate to the portfolio of the Hon'ble Chief Minister?

Mr. PRESIDENT: We should rather wait till the Hon'ble Minister in charge of the department comes, otherwise the honourable member who has put the question might be deprived of getting adequate replies to supplementary questions. But if you consider yourself competent to answer all the supplementary questions, you may read out the reply. I have observed that some of the Hon'ble Ministers merely read out from the circulated list of printed questions and answers, which is not the practice in any parliamentary institution. In parliamentary institutions Hon'ble Ministers read out from the relevant files.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In that case, Sir, I would rather request you to allow the question to stand over till to-morrow.

Anti-malaria work in Jessore.

34. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) if it is a fact that on 12th December last the Hon'ble Minister said on the floor of the House, that eight medical practitioners had been sent to Jessore by the Government for the purpose of carrying out anti-malaria work in that district;

(*b*) if the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state--

(*i*) the names of the doctors who visited the villages under the Union Boards of Chandibarpur, Naldi, Singia, Durgapur in the Narail subdivision and Bonnagachi Union Board in the Magura subdivision,

(*ii*) the names of the villages under these Union Boards they visited, and

(*iii*) the name of the patient or patients they visited, and the date of their visit; and

(*c*) if no doctors went to the villages under these Union Boards, will the Hon'ble Minister be pleased to state the reason thereof?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) and (*c*) Information is being collected and will be furnished to the House when available.

Revisional Settlement work in Faridpur and Barisal.

36. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the total number of amins engaged in the Revisional Settlement work in (*i*) Faridpur, and (*ii*) Barisal;

(*b*) the total number of amins engaged in Khanapuri in these two districts;

(*c*) the total number of days spent in Khanapuri in each district;

(*d*) the total number of plots surveyed in each district up to the 31st December, 1940;

(*e*) the average daily outturn of the amins engaged in Khanapuri in each of these districts; and

(*f*) what was the average daily outturn of the amins engaged in such work at the time of Mymensingh-Garo Hill Settlement?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Information is being collected and will be supplied as early as possible.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state when he will be in a position to place the facts before the House?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult for me to give any particular date. We are making every attempt to supply the information as early as possible.

Malaria in Faridpur.

37. Rai Sahib JATINDRA MOHAN SEN (on behalf of Dr. Kumud Sankar Ray): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether it is a fact that certain parts of the Faridpur district are in the grip of severe malaria;

(*b*) what steps have been taken to combat the menace, and what are the areas affected;

(*c*) what assistance has been rendered by the Government to the local bodies in fighting the menace; and

(*d*) whether the incidence of the disease has been checked?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) and (*c*) The areas affected by the malaria epidemic are thanas Kotwali, Char Bhadrasan, Bhusna, Bhanga, Nagarkanda and Sadarpur of the Sadar subdivision; thanas Rajbari, Goalundo, Baliakhandi and Pangsa of the Goalundo subdivision; and Kasiani and Muksudpur thanas of the Gopalganj subdivision. The following special measures have been taken by the Public Health Department:—

(1) Normal quinine grant for the current year for the district has been increased to Rs.12,350 compared to Rs.7,700 during preceding year.

(2) A special grant of Rs.2,000 has been sanctioned for further supply of quinine.

(3) A special supply of 485 lbs. of quinine together with 6,100 quinine ampoules and 20,000 plasmochin tablets has been made.

(4) Sixty-three epidemic doctors have been deputed for anti-malaria and epidemic work in the district. The report of the Assistant Director of Public Health, Malaria Research, is placed in the Library for information of the honourable member.

(*d*) The epidemic has already taken a downward trend, and new cases are very few.

Framing of rules under the Bengal Money-lenders Act, 1940.

38. Rai Sahib JATINDRA MOHAN SEN (on behalf of Mr. Narendra Chandra Datta): (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the rules under the Bengal Money-lenders Act, 1940, for notification of Joint Stock Banks have been framed and whether the Government propose to place those rules before the Legislature during the Budget session for discussion and approval?

(*b*) If the answer to (*a*) be in the negative, will the Government be pleased to state the reason for the delay and also indicate the time when the rules are going to be framed?

(*c*) Are the Government aware of the difficulties of banks not yet notified; if so, what steps the Government proposes to take to safeguard the interest of banks pending the framing of the rules under the Bengal Money-lenders Act, 1940?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) No.

(*b*) Government have been gathering opinion from public bodies interested in the matter and also watching the practical working of the Act *vis-a-vis* non-notified banks in order to determine the shape to be given to the rules. Every possible step is being taken to expedite.

(*c*) Government are not aware of any difficulty of banks not notified.

New branches of the Provincial Co-operative Bank.

39. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Co-operative Department be pleased to state—

(*a*) the number of branches which the Provincial Co-operative Bank has opened in the districts of Bengal;

(*b*) whether it is a fact that branches have been opened even in places where Co-operative Central Banks have also been at work;

(*c*) whether these branches are discharging the functions of ordinary Commercial Banks; and

(*d*) whether these branches are not subject to the control of the Reserve Bank as ordinary Commercial Banks are; and if so, whether their activities are proving detrimental both to the Commercial Banks and to the public?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) One.

(*b*) The only branch is situated at Dacca. There is a Central Bank there.

(*c*) Some functions of ordinary Commercial Banks are performed.

(*d*) No.

Enhancement of the rents of the Khasmahal and temporarily-settled private estate tenants of Kishoreganj subdivision.

42. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware that the rents of the khasmahal and temporarily settled private estate tenants of Kishoreganj subdivision of Mymensingh district were substantially enhanced in the course of *jamabandi* four or five years ago?

(*b*) Is he aware that such enhancement was made even in khasmahal and temporarily settled private estates of the Bhati area or East Kishoreganj (Ashtogram, Nikhli, Itna thanas and parts of Karimganj, Sarail, Bajitpore, Bhairab and Kuliarchar thanas)?

(*c*) Is he aware that a large area held by tenants of the Bhati has gone out of cultivation owing to ravages of early flood and water-hyacinth?

(*d*) Is he aware that even such uncultivated areas were not left out of assessment but were assessed at the rate at which they used to be held when they were cultivable?

(*e*) What was the total khasmahal and temporarily settled private estate revenue of Kishoreganj subdivision before *jamabandi* and after *jamabandi*?

(*f*) Does he propose to revise the rents of tenants of Bhati area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The information is being collected and will be supplied as early as possible.

Functions of the Chief Executive Officer of the Barasat Central Co-operative Bank Limited.

43. Rai Bahadur MANMATHA NATH BOSE: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) why it has been found necessary to appoint a Chief Executive Officer for the Barasat Central Co-operative Bank Limited and what are his functions;

(*b*) whether it is a fact that the said Central Bank has been unable to pay up matured deposits, and has practically forced the depositors to agree to an extension of the terms of their deposits at considerably reduced rates of interest;

(*c*) whether it is a fact that the said Chief Executive Officer asked the depositors, the terms of whose deposits had expired, to send their deposit receipts to him for renewal, and though the receipts were received by him in July last, the renewal receipts have not yet been received back by the depositors;

(*d*) whether the said Chief Executive Officer is a departmental officer, and what is his rank and his pay; and

(*e*) under what provision of the existing law (i.e., Act of 1912) has the said officer been appointed, and has he any previous experience about administration?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The Chief Executive Officer was appointed at the request of the Board of Directors to lend active assistance in the management of the Bank in its present difficult position.

This officer manages the Bank on behalf of the Board of Directors who are, however, responsible for its policy.

(*b*) The Central Bank could not pay matured deposits.

The terms of the deposits were extended at a reduced rate of interest with the consent of the depositors.

(*c*) The Chief Executive Officer called for deposit receipts for the purpose of renewal which has been completed.

(*d*) Yes. An Auditor of Co-operative Societies. Pay Rs.125 per month.

(*e*) Under byelaw 54 of the registered byelaws of the Central Bank, the Board of Directors are authorised to make all arrangements as may

be considered necessary or proper for its management. Accordingly, the Board asked for the appointment of a departmental officer as the Chief Executive Officer of the Bank as a special case.

The officer gained sufficient experience of the management of Central Banks.

Rai Bahadur MANMATHA NATH BOSE: Arising out of answer to part (*e*), Sir, the last question has practically not been replied and the question is, "Has he any previous experience about administration?"

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, he has been an officer of the department and he has certainly experience of the working of the Central Banks.

Rai Bahadur MANMATHA NATH BOSE: Arising out of (*c*), have all the depositors received the renewal receipts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to the answer itself where it has been replied to in the affirmative.

Rural Reconstruction Scheme.

44. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Rural Reconstruction Department be pleased to state whether the Government has decided to launch a scheme of intensive propaganda in the rural areas of Bengal for what is alleged to be a "Betterment move"?

(*b*) Is the scheme intended to cover extensive distribution of propaganda literature?

(*c*) Whether it is also intended to stage dramas, distribute and display posters, utilising the services of speakers for doing propaganda in the villages and also distributing messages from distinguished men to the villagers?

(*d*) Will the Government be pleased to give an estimate of costs for carrying out this propaganda scheme and the number of speakers and workers who will be so employed?

(*e*) Do Government propose to take steps to remove first the illiteracy and poverty before launching upon the above scheme?

(*f*) Has the Government considered the possibility of such propaganda being used in times of general election to party canvassing of votes?

MINISTER in charge of the AGRICULTURE and RURAL RECONSTRUCTION DEPARTMENT (The Hon'ble Mr. Tamizuddin Khan): (*a*) A comprehensive scheme of Rural Reconstruction mainly on the principle of self-help is under consideration. Intensive propaganda for the purpose of rousing the consciousness of the people and encouraging them to carry on rural uplift work on a voluntary basis forms a part of the scheme.

(*b*) to (*d*) Details as to the manner in which the propaganda will be carried on and the cost involved therein have not yet been finally settled.

(*e*) The scheme of Rural Reconstruction aims at the removal of illiteracy, poverty and ill-health but it is considered essential to carry on intensive propaganda for rousing consciousness and activity among the people before these problems can be effectively tackled.

(*f*) No. This propaganda will have nothing to do with the general election.

Messages from the Bengal Legislative Assembly.

SECRETARY to the COUNCIL (Dr. S. K. D. Gupta): Sir, I have received the following messages from the Bengal Legislative Assembly, signed by the Hon'ble the Speaker:—

(1) The following amendment has been made in the Bengal Patni Taluks Regulation (Amendment) Bill, 1940, by the Bengal Legislative Assembly at its meeting held on the 28th February, 1941. The concurrence of the Bengal Legislative Council to the amendment made by the Assembly is requested.

Amendment.

In clause 1, line 2, for the figure "1940" the figure "1941" has been substituted.

M. AZIZUL HAQUE,

Speaker,

Bengal Legislative Assembly.

CALCUTTA:

The 4th March, 1941.

(2) The Bengal Finance (Sales Tax) Bill, 1941, as passed by the Bengal Legislative Assembly at its meeting held on the 6th March, 1941, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

M. AZIZUL HAQUE,
Speaker,
Bengal Legislative Assembly.

CALCUTTA:
The 7th March, 1941.

Sir, I lay on the Table:—

(1) The Bengal Patni Taluks Regulation (Amendment) Bill, 1940, as passed by the Council on the 23rd August, 1940, and as passed with amendment by the Assembly on the 28th February, 1941.

(2) The Bengal Finance (Sales Tax) Bill, 1941, as passed by the Assembly on the 6th March, 1940.

Report of the Committee on Petitions.

Mr. DEPUTY PRESIDENT (Khan Sahib Abdul Hamid Chowdhury): Sir, with your kind permission I beg to present the first Report of the Committee on Petitions. Should I read the Report, Sir?

Mr. PRESIDENT: Not necessary; it will be circulated to the members.

Government action on Non-official Resolutions passed by the Council.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, under the provisions of sub-rule (2) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement regarding action taken by Government on the resolution regarding granting of facilities to the manufacture of salt in Bengal on a commercial and industrial basis, that was passed by the House on the 13th September, 1940. A reference was made to the Madras Government as to the facilities and concessions granted by the Central Government for the manufacture of salt on a commercial and industrial basis in Madras and incidentally also as to what further steps have been taken by the Madras Government to encourage the development of salt industry including cottage industry and they have

intimated that they have no information as to the facilities granted by the Central Government, the subject matter being one relating to the administration of a Central subject, nor have they taken any special step to encourage the development of salt industry including the cottage industry. In order to examine the prospect of the development of salt industry in Bengal on proper lines a proposal, for the appointment of an expert whose function will be to assist the existing salt factories to carry on the manufacture by the right process and to remove defect if any in their planning and in the selection of sites so as to reduce the cost of production to the minimum and evolve the most economic process suitable for Bengal, is under the consideration of Government. Supplementary statements indicating what further action has been taken in this direction will be placed on the table of the House in due course.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, before you take up other business on the order paper of to-day, may I intimate to the House that in accordance with the provision of sub-rule (2) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement of the action taken by Government on the resolution passed by the House on the 9th August, 1940, on the subject of "grant by the Central Government of the entire proceeds of the jute duty realised from Bengal, or an equivalent annual contribution from the Central revenues to enable this Government to introduce universal free and compulsory primary education". A copy of the resolution together with copies of debates thereon in the Council have been forwarded to the Government of India.

Sir, in accordance with sub-rule (2) of rule 95 of the Bengal Legislative Council Procedure Rules, I have the honour to place for the information of the Council the following statement of the action taken by Government on the resolution passed by the House on the 13th September, 1940, on the subject of a decision of the Government of India Distribution of Revenues Amendment Order, 1940. A copy of the resolution together with copies of debates thereon of this Council has been forwarded to the Government of India with a request that a copy may be forwarded to the Secretary of State for India.

Notice regarding the Bengal Finance (Sales Tax) Bill, 1941.

Sir, may I give notice that I shall move that the Bengal Finance (Sales Tax) Bill, 1941, may be taken into consideration by this House on the 17th of this month?

Mr. PRESIDENT: The Hon'ble Finance Minister desires to take up the Sales Tax Bill for consideration on the 17th of March. Will honourable members indicate what time they will require to give notices of their amendments?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the Bill has not yet been circulated. We have not the least idea of what it is like.

Mr. PRESIDENT: It is just now being circulated.

Mr. HUMAYUN KABIR: Sir, may I submit that the question of sending in amendments arises after the motion for consideration is passed. On many occasions amendments had been sent in beforehand and some of them were printed. It has been found in many cases that it meant unnecessary expenditure of public money because they have had to be reprinted when the motion of consideration was passed and time was given by you, Sir, for sending in amendments again. I suggest, therefore, that till that motion is passed, you do not allow any amendments to be sent in. For it would mean duplication of work of the office and unnecessary expenditure on public money.

Mr. PRESIDENT: The Chair appreciates the point raised by Mr. Kabir. Ordinarily, if any Bill is referred to Select Committee, then the House considers the Bill as settled in the Select Committee and not the original Bill. So, it will be convenient if the Hon'ble Minister indicates whether the Bill has any chance of being referred to Select Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I do not think that there ought to be any difficulty at all for the House to proceed to take the Bill into consideration. We should thereafter take the amendments tabled in the meanwhile, it being clearly understood that no further time will be given to put in fresh amendments. If from now onwards it is understood that the House will take the Bill into consideration and thereafter we shall proceed to take up the amendments to the clauses, on a particular date, then the intervening time may be utilized for the purpose of sending in amendments to the motion for the consideration of the Bill as well as to the various clauses. It may not be necessary to reprint these amendments.

Mr. HUMAYUN KABIR: I would like to point out in reply to what has just now been said by Mr. Suhrawardy that our rules provide that, apart from amendments regarding Select Committee or circulation, amendments to the clauses can be given notice of only after a Bill has been taken into consideration, and until that motion has been

passed, the Bill is not really in the possession of the House. After the motion for consideration has been passed, then alone does the question of tabling amendments to the clauses of the Bill arise after, of course, the amendments regarding Select Committee or circulation, as I have said before, have been disposed of. I quite see the point that a Select Committee or a circulation motion would be in order, but any other motion for amendment at this stage is perhaps premature. And as regards the point raised by Mr. Suhrawardy, viz., that we might take the Bill into consideration now, that too, is perhaps premature; for, although the Finance Minister may generally expect that his motion for taking the Bill into consideration will be passed and his anticipation may be well-founded, yet it should not be accepted as equivalent to a *de facto* passing of the motion. For if it were so, then there would be no point in bringing any Bill before the House at all. It is quite true that the motion that the Bill be taken into consideration will be passed, but that is no reason why the simple moving of the motion should be taken as if the motion has been passed.

Mr. PRESIDENT: As I have already observed, I see the force of Mr. Kabir's argument. If the rules are to be observed literally, then every Bill will take a very long time to be finally disposed of by the House. If the House wants to expedite the disposal of this Bill, then I would suggest that the Council should accept the Hon'ble Minister's proposal of a shorter notice. Under the rules, 21 days' notice will be necessary for the motion for consideration of the Bill; then a further 10 days' notice will be necessary for the tabling of the amendments. This will mean that the stage of discussion of the Bill, clause by clause, cannot be reached before the second week of April. If, however, the House does not insist on a strict application of the rule and is prepared to help the Government by taking up the Bill on the 19th instant, then members may start giving notices of amendments even from to-day. Of course, members can demand due time being allowed for giving notices of amendments to the clauses and the office also will require a few days' time to consolidate the amendments and get them printed. In that case, the Bill can be taken up at the earliest on the 24th of this month. I, therefore, hope that honourable members will not press for strict observance of the rule. It is true that formerly the Chair desired to follow the rules as far as possible; but afterwards it was found that this procedure involved a considerable waste of time. So, I had a circular issued on the 29th of February, 1940, to the following effect:—

"It may be recalled that hitherto the practice has been for the office not only to issue a circular to all members of the Council as soon as notices of any motion with regard to Bills, Resolutions, etc., are received in this department but also to invite amendments from them to such motions. Henceforth, following the Bengal Legislative Council

Procedure Rules, the office will only issue a circular intimating the honourable members the receipt of the notice of any substantive motion together with a copy thereof in regard to Bills, Resolutions, etc. It would then be for the members to decide whether to send notices of amendments to the substantive motions or to the provisions of the Bills, Resolutions, etc., having due regard to the relevant rules of the Bengal Legislative Council Procedure Rules." So, it is open to the members even at this stage to give notice of substantive amendments as also amendments to clauses.

Mr. HUMAYUN KABIR: May I suggest a way out of this difficulty, Sir, for you consideration? If the time for giving notices of amendments to the motion for consideration is retricted and shortened to a period of three or four days,—for a Select Committee motion or a circulation motion should not take long to think about—if the time for this purpose is restricted to three days, then there will be a saving of time and we shall also get sufficient time for considering the clauses and sending in notices of amendments. If the Hon'ble Mr. Suhrawardy is prepared to move for the consideration of the Bill at an earlier date, then there will be much interval between the "consideration" stage and the discussion stage.

Mr. PRESIDENT: (To the Hon'ble Finance Minister.) Mr. Kabir suggests that three or four days' time be given for tabling substantive motions regarding circulation or reference to Select Committee. What is your view?

The Hon'ble Mr. H. S. SUHRAWARDY: Then, Sir, so far as I can understand, it practically comes to this: suppose I give notice that the Bill be taken into consideration on Thursday next when amendments, if any relating to circulation or the Select Committee only may be discussed. But at the same time the last date for sending in amendments to the main clauses of the Bill may be fixed for the 17th, and any honourable member who desires to give notices of amendments to the provisions of the Bill may do so even from to-day, so that the consideration of the Bill, clause by clause, may be taken up on the 18th, should the House be good enough to pass the motion for consideration of the Bill by Thursday next.

Mr. PRESIDENT: But Thursday is a holiday.

The Hon'ble Mr. H. S. SUHRAWARDY: Can it not be taken up on Wednesday the 12th instant, immediately after the disposal of the motion for consideration of the Motor Spirit Sales Taxation Bill?

Mr. PRESIDENT: The Hon'ble Finance Minister suggests that the substantive amendments, for circulation or reference to Select Committee, may be taken up on Wednesday, the 19th instant, and the amendments to the clauses may be taken up later, on the 24th instant. The members will be permitted to give notice of amendments to the clauses during all these days.

Mr. HUMAYUN KABIR: Up to what date the amendments will be allowed?

Mr. PRESIDENT: That is to be fixed now.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it will take a long time to go through the next stage. The amendments will have to be tabulated and consolidated by the office and then sent to the Press for being printed and then there are other works for the members, *e.g.*, party meetings, etc., and I submit that all these may be taken into consideration in fixing the date.

Mr. HUMAYUN KABIR: Sir, if you fix Monday as the last day for sending in amendments and give two or three days for examining the amendments and allow office one or two days I think that will——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, cannot the time for sending in amendments be fixed at 1 o'clock on Saturday? In that case, I think office will be able to issue the amendments by Monday and then we could take them up either on Tuesday or Wednesday.

Mr. PRESIDENT: The Bill will be taken up, clause by clause, on the 24th instant.

It is settled that the amendments will be sent in up to 12 noon on the 17th and the Bill will be taken up clause by clause on the 24th March.

The Bengal Agricultural Debtors (Second Amendment) Bill, 1940.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am extremely sorry that this Bill of mine should again appear in to-day's agenda paper. As I am not yet ready, this may stand over for the present. I shall, however, inform the Council office in the course of this week as to when it can be taken up.

Mr. PRESIDENT: Next Bill.

The Bengal Motor Spirit Sales Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, as I was engaged elsewhere in connection with some important public duties, I am sorry I have not been able to pay adequate attention to the various amendments which have been sent in by the honourable members of this House. I would, therefore, crave their indulgence not to take up the matter to-day but to take it up to-morrow for consideration.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, 11th March, 1941.

Members absent.

The following members were absent from the meeting held on the 10th March, 1941:—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Lalit Chandra Das.
(5) Mr. Bankim Chandra Dutt.
(6) Mr. Narendra Chandra Datta.
(7) Mr. Kamini Kumar Dutta.
(8) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(9) Mr. Kanai Lal Goswami.
(10) Begum Hamida Momin.
(11) Mr. Naresh Nath Mookerjee.
(12) Dr. Radha Kumud Mookerjee.
(13) Mr. Ranajit Pal Chowdhury.
(14) Dr. Kumud Sankar Ray.
(15) Mr. K. C. Roy Chowdhury.
(16) Mr. Sachindra Narayan Sanyal.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 11th March, 1941, at 2-15 p.m., being the twelfth day of the First Session, pursuant to sectoin 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I read out the reply to question No. 75 on behalf of the Hon'ble the Chief Minister, who is absent?

Mr. PRESIDENT: I have declared on more than one occasion that the Chair would have no objection to one Minister replying on behalf of another Minister if he is fully instructed to do so. But I find that the Ministers who happen to reply on behalf of their colleagues merely read out from the printed list of questions and answers without any adequate instruction. An honourable member who puts questions is entitled to a proper and complete reply to his questions or to any supplementaries arising out of them. But it is not difficult to conceive that a Minister who is not in charge of the department and is not properly instructed to answer such questions may not be in a position to give a satisfactory answer.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, when I undertake to reply to a question, I hope to be able to reply to the supplementary questions also.

Khan Sahib ABDUL HAMID CHOWDHURY: What is the "matter" that is under consideration. Does the Hon'ble Minister agree that his answer is not to the point?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Khan Sahib ABDUL HAMID CHOWDHURY: With reference to part (c) of my question, will the Hon'ble Minister look to the question and establish the relevancy of his answer to my question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the question is, "Will the Hon'ble the Chief Minister be pleased to state whether the college authorities did produce evidence about the compliance with

the requirements laid down by the Government order sanctioning the grant-in-aid to the girls' section of the Ashutosh College since the question was last put," and as the whole question is under consideration in that connection, this particular point also is under consideration.

Mr. PRESIDENT: May I draw the attention of the Hon'ble Minister that part (*c*) of the question is, "Will the Hon'ble the Chief Minister be pleased to state whether the college authorities did produce evidence about compliance with the requirements, etc." And the answer should have been a definite "Yes" or "No". It is no answer to say that the matter is "under consideration".

Mr. HUMAYUN KABIR: Is the reply of the College authorities still under consideration which will be simply absurd.

Mr. PRESIDENT: I realise the difficulty of a Minister, who is not in charge of the department, replying for his colleague. That is the reason why I communicated to the Education Department and also to the Premier that I was ready to fix any day of the week that might be convenient for him to answer questions relating to his department. And it was settled that questions pertaining to the Education Department would be entered in the list on Mondays only. The Hon'ble Chief Minister also intimated that this arrangement was suitable to him. But now I find that in spite of such arrangement, he is often absent on Mondays and so questions relating to his portfolio have to be postponed from day to day. In this particular case, I am not satisfied that the question has been properly answered. The question is: whether Government was satisfied about compliance with the requirement or not and the answer should have been a simple "yes" or "no." I do request the Leader of the House to communicate to the Hon'ble the Chief Minister that I shall be agreeable to postpone questions relating to his department, provided he comes here and replies to them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am prepared to convey this to the Hon'ble Chief Minister, Sir.

Mr. PRESIDENT: I postpone all the questions relating to his department.

Mr. HUMAYUN KABIR: Are we to understand then, Sir, that this question has not been answered?

Mr. PRESIDENT: Yes, this question will be treated as unanswered.

Satyagrahi prisoners in Bengal.

45. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what is the number of *satyagrahi* prisoners in each of the districts of Bengal who have been so far detained or imprisoned in connection with the *satyagraha* movement in Bengal and whether it is a fact that almost all of them are Congressmen?

(*b*) Will the Government be pleased to give the names of the *satyagrahi* prisoners together with the period of their sentences, and the sections of the Law under which they have been detained or their movements restricted?

(*c*) Will the Government be pleased to give their classifications in jail, that is, how many have been placed in A class, how many in B class and how many in C class?

(*d*) Will the Government be pleased to state, how many of them are members of the Legislature, the classes in which they have been placed and what is the present condition of their health?

(*e*) Are any of the *satyagrahi* prisoners suffering from illness? If so, how many and who are they?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Home Department, the Hon'ble Khwaja Sir Nazimuddin): (*a*) Detained—Nil.

Imprisoned on conviction 34. I do not know which are Congressmen.

(*b*) A list is placed in the Library.

(*c*) Division I—15.

Division II—15.

Division III—4.

(*d*) Ten are members of the Legislature: all are in Division I. Their health is good.

(*e*) No.

Scales of pay of stenographers.

46. Rai Sahib JATINDRA MOHAN SEN: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state the scale of pay of—

(*i*) the Secretariat stenographers; and

(*ii*) the heads of department stenographers?

(*b*) Will the Hon'ble Minister be pleased to state whether in view of the recent separation of the Assembly and Council Reporters from the Secretariat cadre there is any difference in the nature of work to be done by these two classes of stenographers or there is any difference in the same standard of efficiency to be maintained by two classes of stenographers?

(*c*) Will the Hon'ble Minister be pleased to state whether Government propose to revise the scale of pay of stenographers working under the heads of department, raising it to the level of the Secretariat scale?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) Old scale Rs. 90—10/2—120—20/2—300.

Revised scale Rs.80—10/2—120—15/2—240 (from the 28th November, 1940).

(*ii*) With a few exceptions the scale of pay in the offices of heads of departments is Rs. 80—5/2—105—10/2—155.

(*b*) Yes.

(*c*) No.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to state, with reference to (*a*) (*ii*), which offices of heads of departments have got special scales of pay for stenographers, and what are those scales?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of any office of a head of a department having a special pay for its stenographer, but if the honourable member desires, I shall make an enquiry in order to ascertain if there is any such department.

Rai Sahib JATINDRA MOHAN SEN: Will the Hon'ble Minister be pleased to get the information with regard to this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I will do that.

Generation of electricity at moderate cost.

47. Mr. RANAJIT PAL CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state the steps that have been taken during the year 1940 for the production of electricity at a moderate expense for the use of small industries and other purposes?

(*b*) What has he done to implement his promise that he was going to explore all avenues to find out if electricity could be produced in a large scale in Bengal?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) There are at present a number of electricity concerns that are prepared to supply electricity for the use of small industries at a fairly low rate. At present, there is no proposal before the Government of Bengal for producing electricity at a moderate expense.

(*b*) We have asked the English Electric Company in collaboration with Messrs. Merz and McLellan to furnish Government with a comprehensive report on electrical development of Bengal. They are now engaged in a detailed investigation of the entire question. Supply of cheap electricity to small as well as big industries is alike under their consideration.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state to which Company does the "English Electric Company" refer? Is it a particular Company that is incorporated here?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes. The name of the Company is the English Electric Company.

Prohibition.

48. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) what steps have been taken by the Government in the course of the last year to reduce the drink habit of the people of the Province;

(*b*) whether there has been any fall in excise receipts in the course of the last year; and

(*c*) whether Government propose to abolish the licensing of excise shops in any other district than the district of Noakhali in the near future as an experiment to put a stop to the drink habits of the people?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) The experimental scheme of prohibition was continued in the district of Noakhali and a film illustration of the evil effects of drinking was sponsored by Government.

(*b*) No.

(*c*) Yes.

Mr. HUMAYUN KABIR: With reference to answer (*a*), will the Hon'ble Minister be pleased to state if any attempt was made by Government to restrict the consumption of non-liquid intoxicants?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, by strict supervision.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister then please state how the answer given in (*b*) arises in this case? If it was restricted to consumption of all types of intoxicants, in that case what is the reason for there being no fall in the excise revenue?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Because of illicit customers coming to licit shops.

Mr. HUMAYUN KABIR: Arising out of (*b*), will the Hon'ble Minister be pleased to state what are the steps which Government propose to undertake as a further experiment for effecting prohibition?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As has been done in the case of Noakhali.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state in what other district prohibition is being tried?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is proposed to start partial prohibition in the Chittagong and Tippera districts.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to define the term "partial"—what exactly does he mean by "partial prohibition"?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is restricted to drinking shops.

The Bengal Motor Spirit Sales Taxation Bill, 1941.

Mr. PRESIDENT: The House will now take up consideration of the Bengal Motor Spirit Sales Taxation Bill, 1941, clause by clause.

Clause 2 stand part of the Bill.

Clause 2.

Khan Sahib ABDUL HAMID CHOWDHURY: I beg to move that in paragraphs (*c*) and (*d*) of clause 2 of the Bill, after the word "consumption" appearing in lines 3 and 2, respectively, of each of the said paragraphs, the word "mainly" be inserted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am having this amendment examined; so this amendment may stand over for the time-being.

Mr. PRESIDENT: All right.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in the explanation to clause 2 of the Bill, for the words and commas "society, or a club, a firm, or any association" in line 2, the words and comma "society or a club, or a firm or any association" be substituted.

Sir, I should like to make a little change. I want to do away with the comma occurring in line 5 after the word "club". It was a drafting mistake.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am prepared to accept the amendment without comma as suggested by the Khan Bahadur.

Mr. PRESIDENT: The question before the House is: that in the explanation to clause 2 of the Bill, for the words and commas "society, or a club, a firm or any association" in line 2, the words "society or a club or a firm or any association" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. HUMAYUN KABIR: Sir, I beg to move that in sub-clause (*1*) of clause 3 of the Bill, the words "one anna and" occurring in line 4 be deleted.

Sir, the purpose of this amendment is quite obvious. As we stated at the outset, we accept the purpose of this Bill. Since the money is being ear-marked for the development of road construction in Bengal,

we are prepared to support this Bill. But in the existing circumstances the question which I want this House to consider is whether six pice which is the rate of tax proposed, *i.e.*, one and a half annas, is not too heavy an imposition, particularly in view of the fact that recently there have been moves in other directions also for demands on our resources that are not very adequate. I think that from this very month the income-tax rates will also go up. Surcharges have already been raised and the prices of things are also going up, prices of articles which are used by everybody as well as those of goods used by the class of persons to whom this proposed Bill is directed. Therefore, I would ask the Hon'ble Minister to consider whether he will not be content with a slightly smaller rate of tax at this stage. In so far as he wants a tax, we do not oppose it. In view of the exigencies of the present circumstances, when demands are being made on our resources from many sides, the question is: whether a smaller rate of tax would not perhaps in the end be more fruitful as well.

There is also one other consideration. As a result of the increase in the price of petrol during the last year and a half, the consumption, so far as private use is concerned, has been affected. It has fallen, and if there is a further increase of an anna and a half per gallon, this may fall still further. So, if there is a slight reduction in the rate of tax, it might in the end be perhaps even more profitable, and I would ask the Hon'ble Minister to consider that. He will perhaps remember that two years ago the rate of petrol was Re. 1-1 and from Re. 1-1 it has gone up to Re. 1-8 per gallon and with this tax it will be Re. 1-9-6, and we do not know what are the other taxes that might be imposed by the Central Government. Therefore, we would ask him to consider either the amendment which I have moved just now; if not at least the other one which only wants to reduce it by six pies and not by "one anna" as this amendment does.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 3 of the Bill, the words "one anna and" occurring in line 4 be deleted.

Rai Bahadur MANMATHA NATH BOSE: Sir, I support this amendment which has been so ably moved by my friend Mr. Kabir and that for the reasons as stated by him.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the reason why we have fixed six pice is that we want quite a sufficient sum of money to supplement the Road Fund. Any levy less than six pice will defeat our purpose. Again, a portion of the sum of money that we are going to raise will be spent in the districts for the purpose of improving the communications, and everybody, I am sure, feels that however much

the users of petrol might be hit by this levy, improvement of communications is necessary for the development of the province. Sir, the amount is by no means extravagant. I think in Madras they have six pice and in the nearby provinces also they have as much as 2 annas, even though naturally the cost of petrol is higher than that in Bengal. In the Punjab, though the cost of petrol is already Rs. 2, yet they have imposed the tax to this extent. I think, Sir, that the road-users in Bengal, if they want further amenities, must be prepared to accept this burden which it is my misfortune to lay upon them.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 3 of the Bill, the words "one anna and" occurring in line 4 be deleted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-section (*1*) of clause 3 of the Bill, for the word "seller" occurring in line 6, the words "retail dealer" be substituted.

Sir, the word "seller" gives rise to some ambiguity. We have already defined "retail dealer" in sub-clause (*c*) of clause 2, and so the expression "retail dealer" here would more fit in with the context.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 3 of the Bill, for the word "seller" occurring in line 6, the words "retail dealer" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept it, Sir.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 3 of the Bill, for the word "seller" occurring in line 6, the words "retail dealer" be substituted.

(The amendment was agreed to.)

Mr. HUMAYUN KABIR: Sir, I beg to move: that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

> "Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be exempt from the said tax."

Sir, I agree very largely with the arguments advanced by Mr. Suhrawardy and that is the reason why I did not press the other amendment. I admit that development of communication is a very

important factor for this province. Perhaps one of the reasons why this province is suffering in certain respects in comparison to other provinces is the lack of adequate communications. There are certain districts in which, as he himself has also pointed out, communications are very, very unsatisfactory. Now, there are, I think, two sides to the question of communications. On the one hand, there must certainly be roads along which communication can move; on the other hand, there must be also the means of communication. People do not in modern times move about solely on foot, and mechanical vehicles have become a very important adjunct of communication all over this province. In recent times, motor services have developed in all areas. I think, in certain parts of Tipperah, the opening up of roads has led to quickening of economic life generally. We even find that jute is being transported from one place to another more by lorries than by old-fashioned bullock-carts. Railroads do not reach the heart of villages. We must, therefore, have motor transport. If there be this tax, there is the possibility that some of the bus services will be very badly hit. Not only roads should be provided, but the Hon'ble Minister must also provide for the development of the bus service. In Calcutta, motor transport is playing a very large part in the communications of the city. At present there is keen competition between motor bus and trams. The Tramway Company has great reserves of capital and the bus services are just holding their own. A further taxation on the petrol which is consumed by the bus services will perhaps weigh too heavily against the bus. If Mr. Surawardy wants to develop communications all over the province, both in the municipal areas, in the city areas like Calcutta as well as in the interior of the country, he must make some efforts to exempt the motor bus service from the operation of this taxation measure, otherwise in many cases, as I have said a moment ago, the bus services will be very badly hit. Sir, in certain parts of the district from which I come, the only means of communication is motor vericles, and that is the only quick means of communication. The tillers of the soil use this form of communication and if there is going to be this tax, there is the possibility that many of the bus services may be suspended. The industrial life of the province as a whole will be hit in this way and will go against the very end which Mr. Suhrawardy states he has set before himself in placing this Bill before the House.

Mr. PRESIDENT: Amendment moved: that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

> "Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be exempt from the said tax."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to this amendment, I find one difficulty about the distinction between petrol used for ordinary cars and for cars which ply for hire. Administratively, this will lead to considerable amount of difficulty, namely, evasion, trouble, prosecution and other things. I do not think it is possible to distinguish between the two purposes for which petrol may be purchased, and that is the reason why it will not be practicable to accept this amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Apart from the administrative difficulty and the impossibility of ascertaining whether petrol for a motor vehicle is required for passenger purposes or for private use, there is this principle also to be observed that those who use the roads should pay for them. Sir, is it not curious that whereas these companies will pay the increased price of petrol from Re. 1-2 to Re. 1-8 and still be able to afford it, and whereas they are also able to pay the increased price of mobil oil and the increased price of tyres and tubes, yet they will consider themselves hard hit if only a tax of one anna and six pies per gallon is levied for the benefit of the province? I think, Sir, there should be some local patriotism, and they should consider it a privilege to pay this tax for the benefit of this province in which they are earning their livelihood.

Mr. PRESIDENT: The question before the House is: that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

> "Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be exempt from the said tax."

(The amendment was negatived.)

Mr. HUMAYUN KABIR: Sir, I beg to move that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

> "Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be taxed at six pies per gallon."

Sir, two arguments have been advanced in opposing the spirit of this amendment—one by my friend, Khan Bahadur Naziruddin Ahmad and the other by Mr. Suhrawardy. Khan Bahadur Naziruddin Ahmad sees an insuperable administrative difficulty in the way of distinguishing between petrol which is sold to bus companies and the

petrol sold to private individuals. He knows, or at least he ought to know, that whenever petrol is sold, it is sold through receipts, and it is generally the one article which is not sold without a definite receipt being given for it. It can be easily provided that at the time of granting such receipts the numbers of the vehicles which buy the petrol should be put into the receipt as well. So far as Calcutta is concerned, we know that many people take petrol from a particular shop and they do so on monthly accounts; but where petrol is not purchased on the monthly account system, there may be issued an administrative order which can provide that the numbers of the vehicles which have taken the petrol shall be entered into the receipt. In this way an easy check can be provided as to the class of vehicles purchasing petrol. The next problem is to check the re-sale of petrol by bus-drivers to owners of private motor cars. If the question is raised as to how this is going to be done, the answer is obvious. The risk may be met by providing for some quota. The bus-drivers know that for the trips that they perform in one day, they require a certain quantity of petrol. On that basis, an average quota can be fixed for them. As far as private owners are concerned, very soon the question of fixing a quota for their use may be taken up by Government. Thus, the argument advanced by Khan Bahadur Naziruddin Ahmad is not tenable for a moment.

With regard to the argument advanced by the Hon'ble Mr. Suhrawardy that if the dealers can pay an increase of from one rupee two annas to one rupee eight annas in the price of petrol, besides an increase in the price of mobil oil and other lubricants, why should not they pay one anna and six pies as a gift to the province, I think Mr. Suhrawardy has quite forgotten the story about the last straw on the camel's back. It may be that it is because they have got to pay these higher impositions, it will be more difficult for them to pay this additional tax of one anna and six pies. If the Hon'ble Mr. Suhrawardy argues that simply because they have been paying a certain amount in excess of the previous price, therefore they can also pay this additional imposition, this is an argument which is certainly unworthy of him. Following the same line of argument, one might say that because Mr. Suhrawardy has been paying two annas or three annas—I know not which—in the rupee on his income as income-tax, therefore if that tax be increased to twelve annas, it will not affect him adversely. After all, it may be argued that since the Hon'ble Mr. Suhrawardy has been paying 2 or 3 annas per rupee on his income, why should he not be able to pay this increased rate? This is an argument, Sir, which is not worth stating and still less refuting. The main point of my argument is—and it still remains un-answered—that if we want to develop communications, we must also look to the economic life of our people. Development of communication is necessary not only for those who use the roads, but it

is also necessary for quickening the economic life of the province. Industries are growing with the increased amenities of communication and if, at this stage, anything is done which will hinder further growth of communication by this tax, it will be something which will hinder the economic life of the province. So it is in the interest of the province as a whole and not for any private individual who owns a car that I am speaking. It is meant for the passenger transport vehicles that ply for hire and not for cars of private persons—it is for those users of transport vehicles who cannot afford to have private cars of their own—it is for them that I move this amendment.

Mr. PRESIDENT: Amendment moved: that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

"Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be taxed at six pies per gallon."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, item No. (1)—there still will be evasion—there are arrangements for drawing petrol by rubber tubes on the siphon system which must not be forgotten. Item No. (2): I do not think that this is the last straw on the camel's back, and the simile suggested by Mr. Humayun Kabir does not apply. One anna six pies per gallon does not bear the same proportion to six annas which twelve annas bears to two or three annas. I think, Sir, that the transport vehicles will be able to stand the strain of six pice per gallon. So far as my third point is concerned, namely, the users of road should pay for the road as far as possible, I do think that it has not been met.

Mr. PRESIDENT: The question before the House is: that after the existing proviso to sub-clause (*1*) of clause 3 of the Bill, the following proviso be added, namely:—

"Provided further that motor spirit sold for consumption by passenger transport vehicles that ply for hire shall be taxed at six pies per gallon."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 3, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: Clause 4 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word "business" in line 1, the words "such business" be substituted.

Sir, I submit that this amendment will make the meaning more clear.

Mr. PRESIDENT: Amendment moved: that in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word "business" in line 1, the words "such business" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I accept this amendment.

Mr. PRESIDENT: The question before the House is: that in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word "business" in line 1, the words "such business" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 4 of the Bill, for the words "district or town" in line 2, the words and comma "district, village or town" be substituted.

Sir, this amendment has been moved for the purpose of including the villages. There may be petrol shops in villages also.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 4 of the Bill, for the words "district or town" in line 2, the words and comma "district, village or town" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 4 of the Bill, for the words "district or town" in line 2, the words and comma "district, village or town" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 4 of the Bill, for the words and comma "districts, or towns" in line 3, the words and comma "districts, villages or towns" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 4 of the Bill, for the words and comma "districts, or towns" in line 3, the words and comma "districts, villages or towns" be substituted.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 4 of the Bill, for the words and comma "districts, or towns" in line 3, the words and comma "districts, villages or towns" be substituted.

(The amendment was agreed to.)

Mr. R. W. N. FERGUSON: Sir, I beg to move: that at the beginning of sub-clause (*5*) of clause 4 of the Bill, the following words be added, namely:—

> "If the authority prescribed under the preceding sub-section is satisfied that an application for a licence is in order, he shall issue the licence to the applicant and."

It will be seen that in clause 4 as it stands at present, while sub-section (*4*) provides that an application for a licence shall be made in the prescribed form and to the prescribed authority, and sub-section (*5*) provides that the licence shall be in the prescribed form, etc., there is no express provision to the effect that the prescribed authority must issue a licence if he is satisfied that the application for a licence is in order. It may be argued that this is understood, but nevertheless I think it advisable that this is made clear in the body of the Bill and for this reason, therefore, I would ask the Hon'ble Minister to accept this amendment.

Mr. PRESIDENT: Amendment moved: that at the beginning of sub-clause (*5*) of clause 4 of the Bill, the following words be added, namely:—

> "If the authority prescribed under the preceding sub-section is satisfied that an application for a licence is in order, he shall issue the licence to the applicant and."

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I accept this amendment so far as it goes, except that our advisers in the Legislative Department think that it would be better drafting if instead of the words "prescribed under the preceding sub-section" occurring in the foregoing amendment of Mr. Ferguson, we had the words "referred

to in sub-section (*4*)." It is the same thing—"referred to in sub-section (*4*)" and "prescribed under the preceding sub-section." If the honourable member accepts this suggestion of mine, I am prepared to accept his amendment.

Mr. R. W. N. FERGUSON: Yes, Sir, I accept it.

Mr. PRESIDENT: An amendment has been moved to the amendment moved by Mr. R. W. N. Ferguson for substituting the words "referred to in sub-section (*4*)" for the words "prescribed under the preceding sub-section" occurring in Mr. Ferguson's amendment. Now, the question before the House is: that the amendment be made.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is the amended amendment of Mr. Ferguson:—

That at the beginning of sub-clause (*5*) of clause 4 of the Bill, the following words be added, namely:—

"If the authority referred to in sub-section (*4*) is satisfied that an application for a licence is in order, he shall issue the licence to the applicant and."

(The amendment was agreed to.)

Mr. NUR AHMED: Sir, I beg to move: that in clause 4 of the Bill, after sub-clause (*6*), the following be added as sub-clause (*7*), namely:—

"(*7*) The holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of his licence under sub-section (*6*) of section 4."

Sir, sub-clause (*6*) gives power to the prescribed authority to suspend or cancel licences. As a result of that, particular dealers may suffer loss. And there should be some clause against their claiming compensation on this account, so that the dealer might not go to court asking for damages. So, I move this amendment.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, after sub-clause (*6*), the following be added as sub-clause (*7*), namely:—

"(*7*) The holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of his licence under sub-section (*6*) of section 4."

The question before the House is: that in clause 4 of the Bill, after sub-clause (*6*), the following be added as sub-clause (*7*), namely:—

"(*7*) The holder of a licence shall not be entitled to any compensation for any loss or damage if suffered by him as a result of suspension or cancellation of his licence under sub-section (*6*) of section 4."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 4, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in paragraph (*b*) of clause 5 of the Bill, for the words "before the prescribed date" in line 3, the words "by the prescribed date" be substituted.

Sir, the reason for this amendment is that if we ask people to do a certain thing before a certain date, they will try to remember that date as the last date. This will lead to many inconveniences to the public. So, the date mentioned must be the date which includes the action to be done. In these circumstances, I have moved this amendment.

Mr. PRESIDENT: Amendment moved: that in paragraph (*b*) of clause 5 of the Bill, for the words "before the prescribed date" in line 3, the words "by the prescribed date" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 5, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 7 of the Bill, for the words "before the dates prescribed" in lines 2 and 3, the words "by the prescribed date" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 7 of the Bill, for the words "before the dates prescribed" in lines 2 and 3, the words "by the prescribed date" be substituted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that in clause 7 of the Bill, for the existing proviso to sub-clause (*1*) the following proviso be substituted, namely:—

"Provided that before the prescribed authority determines under this sub-section the amount of the tax due, the retail dealer shall be given a reasonable opportunity of proving the correctness and completeness of the return, if any, submitted by him, and for this purpose he shall be allowed a period of not less than seven days."

Mr. PRESIDENT: Amendment moved: that in clause 7 of the Bill, for the existing proviso to sub-clause (*1*) the following proviso be substituted, namely:—

"Provided that before the prescribed authority determines under this sub-section the amount of the tax due, the retail dealer shall be given a reasonable opportunity of proving the correctness and completeness of the return, if any, submitted by him, and for this purpose he shall be allowed a period of not less than seven days."

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*2*) of clause 7 of the Bill, for the words "tax due" in line 1, the words, "the tax due" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 7 of the Bill, for the words "tax due" in line 1, the words, "the tax due" be substituted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that in sub-clause (*2*) of clause 7 of the Bill, for the words and commas "in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid, or any smaller sum in excess of the unpaid amount of the tax which such authority may think it reasonable to recover" appearing in lines 3 to 6, the words "direct that the retail dealer shall pay in addition to the amount of the tax so unpaid a sum not exceeding that amount by way of penalty" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 7 of the Bill, for the words and commas "in lieu thereof, recover any sum not exceeding double the amount of the tax so unpaid, or any smaller sum in excess of the unpaid amount of the tax which such authority may think it reasonable to recovery" appearing in lines 3 to 6, the words "direct that the retail dealer shall pay in addition to the amount of the tax so unpaid a sum not exceeding that amount by way of penalty" be substituted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in sub-clause (*3*) of clause 7 of the Bill, for the words "sum in lieu thereof" occurring in line 3, the word "penalty" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 7 of the Bill, for the words "sum in lieu thereof" occurring in lieu 3, the word "penalty" be substituted.

(The amendment was agreed to.)

Mr. R. W. N. FERGUSON: Sir, I beg to move: that after clause 7 of the Bill, the following new clause be inserted, namely:

> "7A. The authority referred to in clause (*b*) of section 5 shall, in the prescribed manner, refund to a retail dealer applying in this behalf any amount of tax paid by such dealer in excess of the amount due from him under this Act, either by cash payment or, at the option of the dealer, by deduction of such excess from the amount of tax due in respect of any subsequent return."

Clause 7 as it stands at present provides that if a return made under clause (*b*) of section 5 appears to be incorrect or incomplete, the prescribed authority shall redetermine the amount of tax payable and recover any additional amount due. No provision, has been made, however, to allow a refund being made in cases where it is found that tax already paid is in excess of the actual amount due. Cases may arise where too much tax has been paid by mistake, and it would be as well,

therefore, to make express provision in the Bill for refunds, and for this reason I would ask the Hon'ble Minister to accept this amendment.

Mr. PRESIDENT: Amendment moved: that after clause 7 of the Bill, the following new clause be inserted, namely:—

"7A. The authority referred to in clause (*b*) of section 5 shall, in the prescribed manner, refund to a retail dealer applying in this behalf any amount of tax paid by such dealer in excess of the amount due from him under this Act, either by cash payment or, at the option of the dealer, by deduction of such excess from the amount of tax due in respect of any subsequent return."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 7, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 8 of the Bill, for the words "before the prescribed date" in line 3, the words "by the prescribed date" be substituted.

Mr. PRESIDENT: Amendment moved: that in clause 8 of the Bill, for the words "before the prescribed date" in line 3, the words "by the prescribed date" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 8, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: Clause 9 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, before I move my amendment No. 38, I would ask your permission to move another amendment, namely, No. 37C, which means the same thing

as No. 38, but which was omitted by an oversight. It is this: that in clause 9, sub-clauses (*1*) and (*2*), the words "or place," occurring in lines 2 and 3 respectively, be omitted.

These words are redundant and are not necessary.

Mr. PRESIDENT: Amendment moved: that in clause 9 in sub-clauses (*1*) and (*2*), the words "or place" occurring in lines 2 and 3 respectively, be omitted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*4*) of clause 9 of the Bill, the words "or place" occurring in lines 2 and 4 be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*4*) of clause 9 of the Bill, the words "or place" occurring in lines 2 and 4 be omitted.

The question before the House is: that in sub-clause (*4*) of clause 9 of the Bill, the words "or place" occurring in lines 2 and 4 be omitted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 9, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: Clause 10 stand part of the Bill.

Khan Sahib ABDUL HAMID CHOWDHURY: I beg to move that in sub-clause (*2*) of clause 10 of the Bill, the words "or by night" appearing in line 3, be omitted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 10 of the Bill, the words "or by night" appearing in line 3, be omitted.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I accept this amendment. But later on, if there is any difficulty, I may have to ask the Legislature to amend it again.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 10 of the Bill, the words "or by night" appearing in line 3, be omitted.

(The amendment was agreed to.)

Mr. NUR AHMED: Sir, may I be permitted to make a slight alteration in this amendment? I want to substitute the words "prescribed authority" for the words "person empowered under section 10 of this Act" occurring at the end of this amendment.

Mr. PRESIDENT: Yes, you may move it in the amended form.

Mr. NUR AHMED: I beg to move that at the end of clause 10 of the Bill, the following new sub-clause be added, namely:—

"Any question as to whether a tax or penalty is recoverable under this Act, the person from whom it is due and the amount so recoverable shall be determined by the prescribed authority."

Sir, this is an important clause. In the course of operation of this taxation measure dispute may occur as regards the liability and there must be some authority which should decide such a dispute. So I move this amendment to make up the deficiency.

Mr. PRESIDENT: Amendment moved: that at the end of clause 10 of the Bill, the following new sub-clause be added, namely—

"Any question as to whether a tax or penalty is recoverable under this Act, the person whom it is due and the amount so recoverable shall be determined by the prescribed authority."

The question before the House is: that at the end of clause 10 of the Bill, the following new clause be added, namely:—

"Any question as to whether a tax or penalty is recoverable under this Act, the person from whom it is due and the amount so recoverable shall be determined by the prescribed authority."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 10, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: The question before the House is: that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clause 12.

Mr. PRESIDENT: Clause 12 stand part of the Bill.

Mr. R. W. N. FERGUSON: Sir, may I move this amendment in a little amended form?

Mr. PRESIDENT: Yes.

Mr. R. W. N. FERGUSON: I beg to move: that after sub-clause (*d*) of clause 12 of the Bill, the following sub-clauses be inserted, namely:—

"(*e*) refuses to comply with a requisition under clause (*a*) of sub-section (*1*) of section 10 or obstructs any officer making an inspection or a search under section 10; or

(*f*) neglects to furnish any information required by sub-section (*2*) of section 9 or acts in contravention of the provisions of that section; or

(*g*) discloses any information in contravention of the provisions of section 11,"

and that the existing sub-clause (*e*) be re-numbered as sub-clause (*h*).

Mr. PRESIDENT: Amendment moved: that after sub-clause (*d*) of clause 12 of the Bill, the following sub-clauses be inserted, namely:—

"(*e*) refuses to comply with a requisition under clause (*a*) of sub-section (*1*) of section 10 or obstructs any officer making an inspection or a search under section 10; or

(*f*) neglects to furnish any information required by sub-section (*2*) of section 9 or acts in contravention of the provisions of that section; or

(*g*) discloses any information in contravention of the provisions of section 11,"

and that the existing sub-clause (*e*) be re-numbered as sub-clause (*h*).

The question before the House is: that after sub-clause (*d*) of clause 12 of the Bill, the following sub-clause be added:—

"(*e*) refuses to comply with a requisition under clause (*a*) of sub-section (*1*) of section 10 or obstructs any officer making an inspection or a search under section 10; or

(*f*) neglects to furnish any information required by sub-section (*2*) of section 9 or acts in contravention of the provisions of that section; or

(*g*) discloses any information in contravention of the provisions of section 11,"

and that the existing sub-clause (*e*) be re-numbered as sub-clause (*h*).

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 12, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: The question before the House is: that clause 13 stand part of the Bill.

(The motion was agreed to.)

Clause 14.

Mr. PRESIDENT: The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clause 15.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that for sub-clause (*1*) of clause 15 of the Bill, the following sub-clause be substituted, namely:—

"(*1*) No. Court shall take cognizance of any offence under this Act expect upon a complaint made with the previous sanction of the prescribed authority."

This is merely a verbal change, but it is an improvement. The amended sub-clause wants to say that no effective prosecution shall lie except under a certain complaint. But the Bill clause as it stands says that no prosecution shall be instituted, etc. What we want to

prevent is not the institution but the cognizance. I have borrowed the language from the Code of Criminal Procedure which is better worded and explains itself. I submit, that this should be accepted.

The Hon'ble Mr. H. S. SUHRAWARDY: I accept this inasmuch as it is better drafting, but I would like the next amendment to be modified accordingly. The next amendment seeks to add the words "and the rules made thereunder" after the words "this Act" occurring in line 1 in sub-clause (*1*) of clause 15 of the Bill. It should be not "and the rules made thereunder" but "or the rules made thereunder."

Mr. PRESIDENT: That will come later. Let me put this to vote first.

Mr. PRESIDENT: Amendment moved: that for sub-clause (*1*) of clause 15 of the Bill, the following sub-clause be substituted, namely:—

"(*1*) No Court shall take cognizance of any offence under this Act except upon a complaint made with the previous sanction of the prescribed authority."

(The amendment was agreed to.)

Mr. NUR AHMED: With your permission, Sir, may I move this amendment with a little verbal change, namely—

"That in sub-clause (*1*) of clause 15 of the Bill, after the words "this Act" in line 1, the words "or the rules made thereunder" be inserted.

Instead of "and the rules made thereunder" it should be, Sir, "or the rules made thereunder."

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 15 of the Bill, after the words "this Act" in line 1, the words "or the rules made thereunder" be inserted.

The question before the House is: that in sub-clause (*1*) of clause 15 of the Bill, after the words "this Act" in line 1, the words "or the rules made thereunder" be inserted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 15, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 16.

Mr. PRESIDENT: Clause 16 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 16 of the Bill, for the words "to act" in line 1, the words "to perform any function" be substituted.

Mr. PRESIDENT: Amendment moved: that in clause 16 of the Bill, for the words "to Act" in line 1, the words "to perform any function" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 16, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: The question before the House is: that clause 17 stand part of the Bill.

(The motion was agreed to.)

Clause 18.

Mr. PRESIDENT: Clause 18 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-clause (*1*) of clause 18 of the Bill, for the words "order under" in line 1, the words "order made under" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 18 of the Bill, for the words "order under" in line 1, the words "order made under" be substituted.

(The amendment was agreed to.)

Mr. NUR AHMED: Sir, I beg to move that in sub-clause (*1*) of clause 18 of the Bill, after the word "Act" in line 2, the words "or the rules made thereunder" be inserted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 18 of the Bill, after the word "Act" in line 2, the words "or the rules made thereunder" be inserted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that in sub-clause (*3*) of clause 18 of the Bill, for the words and comma "The Board of Revenue may, at any time" in line 1, the words and commas "The prescribed authority may, at any time, either of its own motion or on application" be substituted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 18 of the Bill, for the words and comma "The Board of Revenue may, at any time" in line 1, the words and commas "The prescribed authority may, at any time, either of its own motion or on application" be substituted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that in sub-clause (*3*) of clause 18 of the Bill, after the words "any officer or person" in line 3, the words "subordinate to such authority" be inserted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 18 of the Bill, after the words "any officer or person" in line 3, the words "subordinate to such authority" be inserted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 18, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 19.

Mr. PRESIDENT: Clause 19 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in paragraph (*e*) of sub-clause (*2*) of clause 19 of the Bill, for the words "date before which" in line 4, the words "date by which" be substituted.

Mr. PRESIDENT: Amendment moved: that in paragraph (*e*) of sub-clause (*2*) of clause 19 of the Bill, for the words "date before which" in line 4, the words "date by which" be substituted.

(The amendment was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in paragraph (*e*) of sub-clause (*2*) of clause 19 of the Bill, for the

words "the particulars other than those mentioned in the said clauses" in lines 5 and 6, the following words and figures be substituted, namely:—

"the additional particulars required under sub-clause (*iv*) of clause (*b*) of section 5 and clause (*ii*) of section 8."

Mr. PRESIDENT: Amendment moved: that in paragraph (*e*) of sub-clause (*2*) of clause 19 of the Bill, for the words "the particulars other than those mentioned in the said clauses" in lines 5 and 6, the following words and figures be substituted, namely:—

"the additional particulars required under sub-clause (*iv*) of clause (*b*) of section 5 and clause (*ii*) of section 8."

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: I beg to move that in paragraph (*i*) of sub-clause (*2*) of clause 19 of the Bill, after the words and figures "of section 18" in line 2, the words, brackets and figure "and which may exercise powers under sub-section (*3*) of that section" be inserted.

Mr. PRESIDENT: Amendment moved: that in paragraph (*i*) of sub-clause (*2*) of clause 19 of the Bill, after the words and figures "of section 18" in line 2, the words, brackets and figure "and which may exercise powers under sub-section (*3*) of that section" be inserted.

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, may I with your leave, move a consequential amendment? It is this: that after sub-clause 2 (*e*) in clause 19, the following sub-clause be inserted, viz.:—

"(*ff*) the authority referred to in section 10(*1*)(*a*)."

Mr. PRESIDENT: Amendment moved: that after sub-clause 2 (*e*) in clause 19, the following sub-clause be inserted, namely:—

"(*ff*) the authority referred to in section 10(*1*)(*a*)."

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 19, as amended, stand part of the Bill.

(The motion was agreed to.)

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, with regard to the amendment of the Deputy President, Khan Sahib Abdul Hamid Chowdhury (No. 1a), consideration of which was postponed, I hope he will withdraw his amendment, as it may create confusion afterwards.

Khan Sahib ABDUL HAMID CHOWDHURY: On further consideration, I do not move my amendment.

Mr. PRESIDENT: The question before the House is: that clause 2, as amended, stand part of the Bill.

(The motion was agreed to.)

Preamble.

Mr. PRESIDENT: The Preamble and Title be added to the Bill.

Rai Sahib JATINDRA MOHAN SEN: I beg to move that in the preamble to the Bill, after the words "new roads" in line 2, the words "and improvement of the existing roads" be inserted.

Sir, the object of my amendment is quite obvious. If the Preamble is not amended in the way suggested by me, the tax which will be realised under the provisions of this Bill will only be spent on the construction of new roads——

Mr. PRESIDENT: Order, order. It will not be in order to extend the scope of the Bill. In the Statement of Objects and Reasons the Hon'ble the Finance Minister states:—

"It is the intention of Government to use the proceeds of the tax contemplated in the Bill to supplement the annual receipts from the Road Fund in order that the present scale of expenditure on new construction may be maintained."

He refers only to new construction. In the Bill he does not contemplate spending money on improvements from the tax-receipts. So, you cannot widen the scope of the Bill.

Rai Sahib JATINDRA MOHAN SEN: With regard to this, Sir, the only submission that I can make is that in the other place the Hon'ble Finance Minister in making a speech with regard to this Bill said that one of the objects for which this Bill was going to be enacted was for the improvement of the existing roads. It may be that this object has been left out in the Statement of Objects and Reasons and in this view it may not be considered to be an extension of the scope of the Bill.

Mr. PRESIDENT: I will not take cognizance of anything that happened in the other House. In the Statement of Objects and Reasons, the Hon'ble Finance Minister makes it quite clear that the Government of India grant will not probably exceed Rs. 18 lakhs and unless an additional revenue of Rs. 12 lakhs is available, they will have to restrict the programme of new construction drastically.

It may be that expenditure for improvements on roads may be met from the 18 lakhs that will be received from the Government of India and the 12 lakhs that will be raised by this tax will be confined to new construction only. Therefore, your amendment is not in order.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Motor Spirit Sales Taxation Bill, 1941, as settled in the Council, be passed.

Third Reading of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to support the motion. The House has accepted a large number of amendments on this Bill—totalling about 30. These amendments would effect much improvement in the text of the Bill. Sir, it is often said in a certain place that the Upper House has no useful work to do. The work that has been done in this House with regard to this Bill——

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: On a point of order, Sir. Can the Third Reading of the Bill be taken up on the same day when amendments to its clauses are passed? If I remember aright, your ruling was that third reading could not be taken up on the same day that amendments to the clauses are passed.

Mr. PRESIDENT: My ruling was very clear on the point. It refers to rule 67 (2) which says: "If any amendment be made, any member may object to the passing of the Bill at the same meeting." To-day when the clauses were finished, I waited to see if there was any objection to the passing of the Bill. But as nobody raised any objection, I took it that the Third Reading might be proceeded with.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is far from my purpose to cast any reflection on the work done in another place; on the other hand, I submit that the work done there is extremely good. If these is any lucuna which requires to be cleared up, it does not show lack of draftmanship in that place, but it shows the necessity for an Upper House to go through a Bill independently and effect changes that are necessary to improve the Bill. The Hon'ble Finance Minister has been very generous in accepting so many amendments sponsored by the members of this House, and I submit that these amendments have effected considerable improvement in the Bill. With these words, I support the third reading of the Bill.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I must express my sincere thanks to the Hon'ble the Finance Minister for accepting some of the amendments in this House. On principle I cannot support the object of the Bill. The reasons are obvious. Sir, on principle the same commodity should not be taxed twice for the same purpose. Petrol has already been taxed by the Central Government and the petrol consumers are going to be taxed again by the Provincial Government. Who knows the local bodies too will not come in and impose tax on the same article and for the same pupose. So, on principle I think it is not desirable to impose this tax on petrol. Secondly, Sir, at the present time when there is crisis all over the world, I do not think it desirable on the part of the Government to tax people like this. If at all any tax is to be imposed now, it should be imposed only for the purpose of the successful prosecution of the war and not for any other purpose. The Government might say that the tax that will be raised will be for the construction of roads and that it is one of the duties of the Government to improve the communications in this province. I admit it, no doubt, but there are other items which are more important and which are more necessary than the improvement of roads. The Hon'ble the Finance Minister admits in his Statement of Objects and Reasons that in the past the full amount in the Road Fund has not been spent, that in the budget they have provided an enormous sum for the construction of roads. He wants 12 lakhs more for pushing on the road projects and this is the only reason that he has advanced for placing this taxation Bill before the Legislature. This, I think, is no reason at all. I am sorry to say that this sort of reasoning will not please the people at all. Had it been in normal times, I would not have much to object, but at the present time when there is a war going on, I cannot but regret that a popular Ministry should have introduced a Bill of this nature.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, we are as anxious as any section of the public to see Bengal's road system developed, not only roads in and about the cities, but also the trunk roads and secondary roads serving the small market towns and villages.

For this purpose it appears that the Central Government provision, which Government have in the past found difficulty in spending, is now inadequate, and hence the need for this tax, which in view of the Preamble of the Bill is virtually earmarked for the purpose. On the basis that he who pays the piper calls the tune, we agree with the principle of taxing petrol to pay for roads, but we would like to see the other road-users pay their full share too. On only two points I would sound a note of caution, though doubtless the points have been considered by our able Finance Minister. As Mr. Humayun Kabir has already indicated, this Bill adds what may, to many, be the last straw

in a steady increase in prices, which will now extend to a total increase of fully 50 per cent. There is the possibility that returns will prove that petrol is now being taxed to the point of diminishing returns. Secondly, the Minister will no doubt count upon the possibility of petrol-rationing, should war purposes require this.

The "t's" have been crossed and the "i's" have been dotted by Khan Bahadur Naziruddin Ahmad, and we now have a very workman-like measure on which I congratulate the Hon'ble the Finance Minister

Khan Bahadur ATAUR RAHMAN: Sir, I wholeheartedly support the Bill as settled in the Council. I welcome this taxation from another consideration. Roads are meant to be utilised for the purpose of running motor cars, but I am sure if the taxation on the motor spirit goes on increasing gradually, the poorer sections of our countrymen who are now using motor transport by way of bus service, will refrain from using the motor vehicles on account of the high price of motor spirit. And that will really be a blessing in disguise for the general public who have all of a sudden taken to using motor transport in the rural areas discarding the indigenous means of transport. Another point on which I would like to get an assurance from the Hon'ble Minister is with regard to the shortage allowance which is given to the retailers by the wholesale dealers. Generally, there is some shortage of spirit when it is disposed of by the retail dealers, price of which is excluded and is not charged by the wholesale dealers, but if the dealers are to pay tax although they do not sell the spirit which is allowed to them as shortage, it will be rather very hard. I hope the Hon'ble Minister will give us an assurance in the House that he will make some provision to this effect in the executive order or in the rules which will be made under this Act.

With these few words, Sir, I beg to support the Bill, as settled in the Council.

Mr. NUR AHMED: Sir, I beg to support the motion for the third reading of this Bill. I expected that all sections of the House would be unanimous in passing this Bill. I was simply surprised to find the honourable leader of the Progressive Group raising an objection to this Bill being passed. It has been said that India has to bear the burden of taxation very unequally and it is especially so in Bengal where 72 per cent. of the agriculturists bear the brunt of taxation. It is an admitted fact that petrol is used by those who can afford to pay, and if there is any article which could be taxed without causing much inconvenience, it is petrol. Of course, I am not oblivious of the fact that petrol is used in the conveyances used for the bus service; but with the introduction of bus we find that poor men who used to earn their living by plying bullock-carts, etc., are losing their jobs. I quite agree

with the Deputy Leader of our Party, Khan Bahadur Ataur Rahman, that from that angle of vision this taxation should be supported. I congratulate the Hon'ble Minister on his bringing before this House this sort of Bill. With these few words, Sir, I beg to support the motion.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, not being present in the House when the Bill was taken up, I am not in a position to find out what is the implication of each of the amendments that has been accepted by the Government. So far as the Bill as a whole is concerned, I think it was entirely unnecessary, because after all it is the Central Road Board which lends money to the provinces for the purpose of construction of roads. I was at one time a member of the Provincial Road Board and from what I have seen there, I am of the opinion that the time has not yet come for the Local Government to embark upon a taxation like this. The Hon'ble Minister in his Statement of Objects and Reasons has stated that only Rs. 12 lakhs are necessary annually from the provincial revenues in order to meet the growing demand for improvement of communications. Sir, the amending Bill is expected to yield an annual revenue of 12 lakhs this year. Supposing the demand goes on, there will be a greater demand next year and will the Hon'ble Minister come forward with another amending Bill to raise a further tax? Sir, could not we approach the Central Government to lend more money from the Central Road Fund?

The revenue from motor vehicles is realised by the Central Government. Now, the Central Government is, I think, the only competent or proper authority to raise or enhance the amount of the tax. Sir, there is another point that I would like to impress on the Minister in charge of the department and it is this, that many of the new industries will die out if this taxation is imposed. For, ultimately, the burden will fall on the general tax-payer as has been pointed out by Khan Bahadur Ataur Rahman, and if the same set of people is taxed over and over again, that would be nothing short of oppression. The Hon'ble Minister can, of course, refer to the Government of India Act which provides sources of revenue so far as the Provincial Government is concerned. Now, there is no end of such sources. We should try and explore fresh avenues of taxation and not rely on sources which have already been tapped by one authority. I therefore oppose the Bill on principle.

Rai Sahib JATINDRA MOHAN SEN: Sir, we on this side of the House find ourselves in great perplexity with regard to the clear scope of the Bill. I wanted to move an amendment to the Preamble but, Sir, you were pleased to rule it out. The difficulty which we are feeling is this: the money that the Provincial Government is now receiving from the Central Government for improvement of roads is spent on the improvement of roads and also for construction of new roads. Sir, I

am personally interested in a big highway, known as the North Bengal Highway. That road is being improved, or constructed—I do not know which expression would be suitable in connection with this road,—but, as a matter of fact, that highway is following the present alignment and only in very rare instances plots of land are being acquired for making small diversions here and there. I am in a difficulty to understand whether the construction of a highway from a *kutcha* road into a metalled road would be new "construction" or "improvement of an existing road." My opinion is that in Bengal we require the existing roads to be improved rather than new roads to be constructed, and I do not understand why a lot of money should be raised for the purpose of construction of new roads. So far as villages are concerned, union boards are constructing new roads wherever they think it necessary, but I do not think that the money which will be realised by taxation of petrol should be utilised or spent on constructing village roads or small roads in towns and municipalities. Now, Sir, all that is required is improved roads in the province. In many districts, and so far as I am concerned I know practically every inch of the district of Dinajpur, I know that improvement of old roads is necessary and not construction of new roads. There are many old roads which have come into disuse on account of the fact that the district board has not got sufficient money to get them in proper order. So money is required for improvement of roads and not for construction of new roads. The Hon'ble Finance Minister should make it clear whether it is the intention of Government that the whole amount which would be realised under this Act should be spent for the purpose of constructing new roads, namely, by acquisition of lands, etc., or for the repair of old roads or for brick-metalling on the *kutcha* roads. If the object of the Bill is to construct new roads by acquiring land and laying down new alignments, I do not think that for this purpose this Bill is at all necessary. The Bill would be necessary for effecting improvement on the existing roads, and I am therefore in a difficulty to understand what the Government means by construction of roads. We are not against the principle of taxation for improvement of roads, especially as the roads in Bengal are very bad and Bengal wants good roads for communication. It is absolutely necessary that communication should be improved, but not by constructing new roads, but by effecting improvement on the existing roads.

Rai Sahib KESHAB CHANDRA BANERJI: On a point of information, Sir. The grant from the Central Road Fund cannot apply towards construction of new roads. The Hon'ble Minister in charge of Finance has said that this Rs. 12 lakhs has become necessary for a measure of this kind. If the Central Road Fund is not applicable for the construction of new roads, how can the Hon'ble Minister say that the deficit of Rs. 12 lakhs is to be applied for the construction of new roads?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, to meet the last point first, I may say, the Central Road Fund is applicable for the construction of new roads, and what is more, it is solely applicable for the construction of new roads. Improvement of roads and construction of new roads are relative terms and much depends on the manner in which you interpret it. For instance, there may be pathways, old broken dilapidated roads which are no roads at all, a little earthwork which you choose to call "roads." But I would not call them roads at all; *pucca* concrete roadwork over them would therefore, according to me, be a new construction and would not be a mere improvement.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir——

Mr. PRESIDENT: You have asked a question and the Hon'ble Minister is answering. Is it not better to wait till he finishes?

The Hon'ble Mr. H. S. SUHRAWARDY: So, Sir, as I have said, construction of new roads and improvement are relative terms. It is no use quibbling too much about this. A road which the honourable member may say needs improvement may be a mere pathway and its reconstruction would really mean constructing a new road. Actually the Central Road Fund is being spent on certain major schemes, *e.g.*, some provincial roads, district roads and major roads which have been sanctioned by the Central Road Board and which have now been taken up by the Provincial Government.

I think, Sir, this meets the points of my honourable friend who is at a loss to know whether this money will be spent for the improvement of road or for the construction of new roads. What is generally known as improvement of roads will be met from the general provincial revenues: the roads which were mere pathways and are being improved beyond recognition—which are in fact new roads—will be paid for out of this fund. The reason why this has been limited only to such new roads is to prevent the fund from being frittered away in maintaining existing roads the cost of which should be paid from the provincial revenues.

Now, Sir, this fund further will be partly spent in supplementing the Central Road Board Fund and spent on roads already sanctioned by the Road Board and partly will be spent on new roads not so sanctioned. This new road may be along the alignment of an old road—it does not matter, if it is on a new model, a new plan. Merely because there is something like a road in existence, it will not become illegal, if we do not shift it just a few yards either to the right or to the left.

Sir, this money will be spent only on main roads, on such trunk roads or feeder roads, or market roads which find place in

Mr. King's scheme and in his maps and which he has considered to be of importance for the purpose of the improvement of communications of the province, the money will be spent only on roads for which sanction has been obtained from the Board of Communications. An honourable gentleman has asked: supposing that to-morrow we need more money, would it necessitate the levy of a further tax? Well, Sir, that is rather difficult to say, because how much money we should raise or spend depends on one's sense of proportion. If we spend 40 or 50 lakhs a year, we shall have to go in for more tax. We are, as a matter of fact, spending about 30 lakhs a year, and we wish to keep somewhere near that neighbourhood, between 24 to 30 lakhs, and I do not think, Sir, that it is in contemplation of Government to spend larger sums of money, and levy more taxes for the purpose.

Now, Sir, it is just possible, as Mr. Laidlaw has warned us, that this tax might lead to diminishing returns—I say it is just possible because I think it will be extremely difficult to apportion the extent to which this tax would be responsible in case of diminishing returns. There are so many other factors which will have to be considered. I have already pointed out the increasing costs of petrol owing to taxation by the Government of India; then there is the increased price of mobil oil, etc., and over and above that, there is the increased price of the motor vehicle itself which may hinder persons from putting more such vehicles on the road.

Therefore, it will be rather difficult to state that diminishing returns, if any, will be due to this tax and to this tax alone, and not to so many other factors which are already in operation.

Next, Sir, Khan Bahadur Ataur Rahman has directed our attention to the possibility that sellers may have to pay taxes on such portion of the petrol as they have lost by evaporation or leakage, etc. Sir, we shall consider this matter further and if it is found that the sellers do lose a certain proportion, I am certain that by means of rules we shall be able to arrive at a formula which will save the sellers from paying taxes on such portion of the petrol as they have lost and which they have not been able to sell.

In conclusion, Sir, I desire to congratulate this House for the manner in which the House has improved the Bill. It is not merely that the "t's" have been crossed and the "i's" have been dotted, but substantial improvements have been effected in the Bill for which I once more thank the honourable members.

Mr. PRESIDENT: The question before the House is: that the Bengal Motor Spirit Sales Taxation Bill, 1941, as settled in the Council, be passed.

(The motion was agreed to.)

Reports of Select Committees.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I have your permission to mention that the report of the Select Committee on Mr. Nur Ahmed's Bill to amend the Bengal Public Demands Recovery Act is not yet complete, and I suggest therefore that the time be extended up to the 1st of April, 1941?

Mr. PRESIDENT: Motion moved: that time extended for submission of the report of the Select Committee on Mr. Nur Ahmed's Bill to amend the Bengal Public Demands Recovery Act, till the 1st of April, 1941.

(The motion was agreed to.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I move a similar motion with regard to Khan Bahadur Saiyed Muazzamuddin Hosain's Bill to amend the Bengal Land Revenue Sales Act, in which case also the time may be extended till the 1st of April, 1941?

Mr. PRESIDENT: Motion moved: that time be extended for submission of the report of the Select Committee on Khan Bahadur Saiyed Muazzamuddin Hosain's Bill to amend the Bengal Land Revenue Sales Act, till the 1st of April, 1941.

(The motion was agreed to.)

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 12th March, 1941.

Members absent.

The following members were absent from the meeting held on the 11th March, 1941:—

(1) Mr. Kader Baksh.
(2) Mr. Shrish Chandra Chakraverti.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Lalit Chandra Das.
(5) Mr. Bankim Chandra Dutt.
(6) Mr. Narendra Chandra Datta.
(7) Mr. Kamini Kumar Dutta.
(8) Khan Bahadur Alhaj Khwaja Muhammad Ismail.
(9) Mr. Kanai Lal Goswami.
(10) Sir T. Lamb.
(11) Rai Brojendra Mohan Maitra Bahadur.
(12) Begum Hamida Momin.
(13) Mr. Naresh Nath Mookerjee.
(14) Dr. Radha Kumud Mookerjee.
(15) Mr. Ranajit Pal Chowdhury.
(16) Dr. Kumud Sankar Ray.
(17) Mr. Sachindra Narayan Sanyal.
(18) Khan Bahadur M. Shamsuzzoha.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th March, 1941, at 2-15 p.m., being the thirteenth day of the First Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Arrest of Mr. Bagala Charan Guha.

49. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(a) if Mr. Bagala Charan Guha was arrested from his house in Faridpur on the night of the 17th October, 1940;

(b) what was the offence for which he was charged;

(c) if he was released on bail on the 18th October, 1940;

(d) if he was placed under restraint orders prohibiting his movement outside his house after 8 p.m.; if so, what are the reasons for such orders;

(e) whether he has since been arrested; if so, for what offence; and

(f) if the answer to paragraph (e) is in the affirmative, where has he been detained and in which class?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Home Department): (a) and (c) Yes.

(b) He was arrested under section 54, Criminal Procedure Code, read with rule 38 (5) of the Defence of India Rules.

(d) Yes, for preventing him from indulging in further prejudicial activities while on bail.

(e) Yes, under rules 38 (5) and 39 (6) of the Defence of India Rules.

(f) In Hooghly Jail, Division III prisoner.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state with reference to (c), if it is a fact that he was prohibited from going outside the one room in which he was residing at the time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, he was asked to remain within his dwelling house.

Mr. HUMAYUN KABIR: Is it a fact that a person who lives in the room next door was one of the persons with whom he was forbidden to converse?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What does the honourable member mean by "next door"?

Mr. HUMAYUN KABIR: I mean the next room in the same house.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No. The prohibition orders are to the effect that he should remain within his house after 8 p.m.

Mr. HUMAYUN KABIR: Is it a fact that the Magistrate who tried him in a previous case recommended that he should be placed in Division II?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why he has been placed in Division III this time?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government considered his status and education and decided that he did not deserve Division II.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware of his education and status?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, these were all considered.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to consider the whole question about political prisoners, and the classification to which they may be allotted?

The Honble Sir BIJOY PRASAD SINGH ROY: That question, Sir, does not arise, in my opinion.

Recruitment of Secretariat stenographers.

50. Mr. RANAJIT PAL CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) the names of the candidates in order of merit who were successful at the Public Service Commission Examinations for the recruitment of Secretariat stenographers held in 1937 and 1938, but have not yet been provided with substantive appointments in the Secretariat; and

(*ii*) the number of non-Bengali candidates who have sat for the Public Service Commission Examination held recently in this month for the recruitment of Secretariat stenographers?

(*b*) Will the Hon'ble Minister be pleased to state if many candidates who were successful at the previous examinations, still remain unprovided? If so, why has a fresh examination been held?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that not a single outside candidate has been provided with substantive appointment in the Secretariat from the list of successful candidates of 1938?

(*d*) Will the Hon'ble Minister be pleased to state whether many qualified Bengali candidates are available for appointment as Secretariat stenographers? If so, why have non-Bengali candidates been allowed to sit for the recent Public Service Commission Examination?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) All the candidates who passed the recruitment examination held in November, 1937, have been provided with permanent appointments. Of the candidates who passed the recruitment examination held in April, 1938, and qualified in the subsequent proficiency tests, the following two only have not yet been appointed to permanent posts:—

(1) Babu Nripendra Chandra Sen, and

(2) Babu Nirmal Chandra Sen.

(*ii*) The Public Service Commission report that as the recruitment rules do not impose a domiciliary qualification, candidates are not divided into Bengalis and non-Bengalis, and the information desired by the honourable member is not available.

(*b*) The honourable member is referred to the answer given to (*a*) (*i*) above. A fresh examination has been held because temporary vacancies are filled from those who pass the recruitment examinations and the number of successful candidates remaining unabsorbed is quite insufficient to fill the temporary vacancies.

(*c*) No.

(*d*) The recruitment rules do not confine recruitment to Bengalis: previous experience shows that the supply of efficient Bengali stenographers is is not equal to the demand.

Mr. PRESIDENT: Question No. 51 is postponed as the Hon'ble Nawab Musharruff Hossain is absent to-day.

Registration of lands for jute cultivation in the Rangpur district.

52. Mr. NAGENDRA NARAYAN RAY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether his attention has been drawn to the fact that many plots of land for cultivation of jute have not been properly recorded in the district of Rangpur?

(*b*) Is it a fact that in many cases a plot of land belonging to one person has been registered in the name of another?

(*c*) Is it a fact that some jute-producing mauzas have altogether been left out?

(*d*) Is it a fact that the agriculturists in the district approached the District Magistrate for redress of their grievances in the matter of registration of their land?

(*e*) If the answers to paragraphs (*a*) to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps have been taken by him in the matter?

(*f*) If the answers to paragraphs (*a*) to (*c*) be in the negative, does the Hon'ble Minister propose to make an enquiry into the matter?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*d*) Yes.

(*b*) A few such cases might have occurred.

(*c*) Such cases have been reported; but, on enquiry, so far not a single instance of such omission has come to light.

(*e*) Government have carefully considered the whole situation and have issued orders that—

(1) Clerical mistakes of all classes, inclusive of mistakes in recording land of one person in the name of another, shall be rectified.

(2) If any sheet or mauza is found to have been totally omitted, a fresh record of the jute lands therein shall be prepared.

(3) If all the lands of any individual grower are found to have been totally omitted, those also shall, after proper enquiry, be rectified.

(4) Persons, who filed objections to the records and whose objections were rejected on the ground of being time-barred or were not properly enquired into, shall get another chance to get their objections re-enquired into and orders revised, if necessary.

(*f*) Does not arise.

Mr. HUMAYUN KABIR: Arising out of answer to part (*b*), will the Hon'ble Minister be pleased to state to whom the power of rectification has now been given—who will rectify these mistakes?

The Hon'ble Mr. TAMIZUDDIN KHAN: The Union Jute Committees and the local officers of the department.

Mr. HUMAYUN KABIR: Will the correction by the Jute Committees be final or will it be subject to approval by the local officers?

The Hon'ble Mr. TAMIZUDDIN KHAN: In fact, all these corrections, save and except mere clerical errors, will be provisional.

Governor's Assent to Bill.

Mr. PRESIDENT: I am now to inform the honourable members that the following Bill has been assented to by the Governor under the provisions of section 75 of the Government of India Act, 1935, viz., the Official Trustees (Bengal Amendment) Bill, 1941, which has been passed by both Chambers of the Bengal Legislature.

The Bengal Local Self-Government (Amendment) Bill, 1941.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg——

Mr. PRESIDENT: In introducing the Bill, it is not necessary to ask for leave, as the Bill has already been published in the Gazette.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I have your permission to introduce the Bill?

Mr. PRESIDENT: Yes. The Bill is introduced.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I, in this connection, request you to allow the motion for consideration of the Bill being taken up on the 27th March on a short notice?

Mr. HUMAYUN KABIR: On a point of information, Sir. Is it only the motion for taking this Bill into consideration and not the amendments to the clauses?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, also amendments It is a very, very short Bill.

Mr. PRESIDENT: The date for giving notice of amendments is now to be fixed. If there is no objection to take up the consideration of the Bill on the 27th, then I would fix——

Mr. HUMAYUN KABIR: Sir, we would suggest that the following procedure be followed, namely, that the notice for the motion to take the Bill into consideration at shorter notice be given this day. That does not require much time and we do not object to that, but the date for taking up the Bill, clause by clause, may be fixed after the motion for consideration has been passed. The rules lay down this procedure, and I think that that procedure, if adhered to, will prove of considerable advantage to the members on this side of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, you have on some previous occasions been pleased to relax the rule. It is true that you at one time ruled that only after the motion for consideration is accepted, notices of amendments should be given. But this, Sir, is a very short Bill and a very simple Bill. So, I do not think the House need so much time for putting in amendments, and I would appeal to my friends opposite not to insist on this procedure this time.

Mr. HUMAYUN KABIR: In order to help the Government, we have suggested that the motion for consideration might be taken up at shorter notice, but that after the motion for consideration is decided, we do want sufficient time for going through the Bill and for drafting the necessary amendments. On one or two occasions previously, after the consideration motion had been moved we sent in our amendments, but some of those amendments were of no use at all because the Bill instead of being considered in the House straight-away was referred to a Select Committee on a motion of the Government itself, although Government previously had moved for consideration of the Bill on the floor of the House. So it is better from every point of view that the motion for consideration be taken up at shorter notice, *i.e.*, by giving two or three days' notice, as such short notice would do for sending in those amendments which may be either for circulating the Bill for eliciting public opinion thereon, or for referring the same to a Select Committee or for opposing the consideration of the Bill. But we certainly want sufficient time to elapse before discussing the Bill, clause by clause. In this case we find that there are 9 clauses and we must have sufficient time to go into them in detail to decide whether they are really important or not. So, Sir, I would request you to consider the suggestion whether this procedure which you have laid down with regard to the Sales Tax Bill should not be followed in this case also. Regarding the Sales Tax Bill, you allowed the Hon'ble Mr. Suhrawardy to move for consideration to-day with two

days' notice only and have allowed us a sufficient time for sending in amendments with regard to the particular clauses. So I suggest that the Leader of the House might also adopt the same procedure in regard to this Bill of his.

The Hon'ble Mr. H. S. SUHRAWARDY: May I suggest a compromise, Sir? So far as the Sales Tax Bill is concerned, the Bill itself is so important and complicated that certainly honourable members ought to have considerable time to examine the contents of the Bill. But, Sir, in those cases where the Bill is not complicated, as the one just now introduced, although the motion for consideration may be taken up at short notice, nevertheless, Sir, the time for sending in amendments may be taken to commence from to-day, so that honourable members may, with the more or less certain knowledge that the Bill will be considered by this House, start studying the Bill from now on. So after the Bill has been taken up for consideration by this House, or rather after the motion that it be taken into consideration has been passed by this House, a few days' time, a day or two, may be quite sufficient to meet the requirements of notice. They may study the Bill from now on and may consider what amendments should be sent in so that consideration of this Bill clause by clause might follow immediately after the motion for consideration has been accepted by the House.

Mr. HUMAYUN KABIR: I am afraid, Sir, that the point which we wanted to represent has not been met.

Mr. PRESIDENT: Order, order. This matter has been discussed more than once in this House. There are two classes of amendments: one class is merely for circulation or for reference to a Select Committee. This class of amendments should not require much time, but as regards the amendments to the clauses of important Bills, necessarily, adequate time should be given. Now, if we are to follow our rules strictly, it will take a long time as the result of which Government work will be much delayed. The Chair is willing to help both the Government and the House to expedite business, as far as practicable. Now, Government must decide whether they are agreeable to accept any motion for circulation or reference to Select Committee. (The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.) If they are not going to accept any such motion, then I shall give only a short time, say, two or three days, for the first class of amendments, that is, for circulation or Select Committee motions. If on the day fixed, the consideration motion is passed, then proper time should be allowed for giving notices of amendments to the clauses in the case of important Bills. That is the point. What has Sir Bijoy to say in this case?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, as regards this Bill, Government do not propose to accept any motion for circulation or for reference to a Select Committee. And if from to-day, time is counted for sending in amendments, then my friends opposite will have clear 15 days' time to study the Bill and to send in notices of amendment. I think for a Bill like this, that should be considered more than sufficient.

Mr. HUMAYUN KABIR: Sir, our point is exactly this. Till Government actually moves for consideration, we do not know where we stand. For example, the consideration motion of the Bengal Agricultural Debtors (Second Amendment) Bill has been placed before the House and though several times this Bill has appeared on the Order Paper, yet the Government is not taking it up, and we do not know what attitude Government is going to take with regard to that Bill. Mr. Suhrawardy says that we might start studying the Bill from now on, but, Sir, that will be a mere waste of time of the honourable members when the Government does not know its own mind as has been seen with regard to the Agricultural Debtors Bill. Up till now, that Bill has not been taken up, though for three or four days consecutively it had appeared on the order paper. We ordinarily require 10 days for the motion for consideration and 7 clear days for giving notices of amendments, which means that 17 days will be necessary for the notices, etc. We are prepared to waive our right to have 10 days' time and take up the motion for consideration on two or three days' notice, but we are not prepared to consider the Bill, clause by clause, before the motion for consideration is passed first.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in regard to this Bill, I can assure the honourable member that Government has already made up its mind to proceed with it. He need not apprehend that our mind is indecisive.

Mr. HUMAYUN KABIR: We have no time for that.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I know my friend's time is very valuable. I only request him just to glance through the Bill, and he will understand that this is a very simple measure.

Mr. PRESIDENT: I shall fix a very early date for giving notices of amendments for circulation or for reference to Select Committee. Notices must be given before 12 noon on the 17th instant and thereafter the House will have to meet and discuss all those substantive amendments, if there is notice of any such, and also to decide the date for taking the Bill into consideration. If the motion for taking the Bill into consideration be accepted, then it will be taken up, clause by clause, on the 27th instant.

Khan Bahadur NAZIRUDDIN AHMAD: What is the time for giving notices of amendments regarding the clauses?

Mr. PRESIDENT: Notices may be given from to-day up to the 22nd.

Mr. HUMAYUN KABIR: That will be all right, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: What is the last date for the submission of amendments to the clauses of the Bill?

Mr. PRESIDENT: Amendments will be received up to the 22nd and then the office will require a few days more for consolidation and printing of the amendments and getting them circulated to the members. But if there is any substantive amendment for circulation or for Select Committee, then the House will meet on the 19th instant and decide that question. But in this case, there is no difficulty as Government has already expressed the opinion that they will entertain no such motion and so the whole Bill will be taken up on the 27th instant, clause by clause.

The Bengal Finance (Sales Tax) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to move that the Bengal Finance (Sales Tax) Bill, 1941, as passed by the Assembly, be taken into consideration.

Sir, in the beginning I would like to say a few words regarding this measure from the point of view of its necessity. It can be stated as a general proposition that no Finance Minister, who expects once more to go to the country for support, likes to impose a taxation measure if he can avoid it, and that if on the eve of a general election I introduce a taxation measure for the consideration of the Legislature, I do so through an impelling need and through an impelling duty. I am aware that we are passing through difficult and extraordinary times. There is a war on, and I should like as much of our available resources as possible to be diverted towards the better prosecution of the war and towards India's war efforts. I say this in all seriousness and not merely to meet the arguments of those gentlemen who oppose India's war efforts outside the Legislature, but within the Legislature put this forward as an excuse for opposing the taxation measure. While, however, the war efforts must be supported, the work of the province must also be carried on, and that with an adequate measure of progress. All the members of the House are aware that owing to an

award made by Lord Meston, the standard of administration of this country had been rendered insufficient for the ordinary amenities that should be provided for the people of the province. This is usually expressed in the statement that the country has been starved for all these years. We have not been able to make adequate provision for education, for public health, for water-supply, for industries, for agriculture, for irrigation; and it is time that we should make provisions for such necessities. Since our advent we have laid out monies for these departments. Schemes taken up by us have now matured and they require speedy fulfilment. We could have procrastinated by manipulating figures, by putting up our revenue figures knowing full well that that income would not mature, by abandoning schemes in the nation-building departments, by raising loans, and thus adding to our closing balance. But the day of reckoning would come at some time or other; and I think it would be distinctly unfair on my part if I were to hand over the legacy of a bankrupt province to my successor. Knowing full well that the ordinary resources of Bengal are insufficient to meet its growing cost, I feel it my duty to make adequate provision for this purpose. It is for this reason, Sir, that I have placed this measure before the Legislature for their sanction in order that we may have sufficient resources to carry on the work of this province.

Sir, we have chosen this tax out of several taxes because for a small sacrifice we hope to obtain a large income which may be of real use to the province. The budget shows a deficit of nearly a crore and a half, and no other kind of taxation will be able to give us an income anywhere near that figure. There are other schemes of taxation in contemplation, other avenues of taxation which we may explore. But it would clearly not be judicious on the part of the Government to tax the country, to levy other measures of taxation, unless we can utilise the funds. I may point out to the honourable members here that hitherto we have been able to draw on our closing balances. But this year the closing balance which is nominally put at Rs. 33 lakhs is a minus quantity, because this amount will not cover the compulsory deposits which Government have to keep with the Reserve Bank and in the Treasuries. A closing balance and therefore sufficient reserves are necessary for the stability of the finances of any province. And when members advise me that I ought to be able to meet the expenses by floating loans, I would only ask them to consider that loans are not so easily advanced by potential lenders if the finances of the province are in a bankrupt condition and if the expenditure is more than the revenue. In order, therefore, that we may be able to command sufficient and proper credit in the country for raising loans for such items for which loans may properly be raised, we must have an income exceeding the expenditure and must have sufficient reserves at our disposal.

Now, Sir, this taxation, as I am aware, has caused a certain degree of agitation and opposition. I have appraised that opposition, Sir, and I am firmly of opinion that such opposition comes mainly from traders and merchants who fear that they will not be able to pass on this taxation to the consumer, and that they will have to pay a certain portion from their earnings and their profits. Perhaps they also fear that this taxation will have an adverse effect on trade and industry and will diminish its volume. The genuine consumer and particularly the vast agriculturist population have not raised their voice against this taxation because, I am sure, they feel that this taxation is being levied in the best interest of the province and for the general benefit of the masses. Sir, when I will detail some of the exemptions which we have proposed, it will be readily understood that it will hardly touch the poorer classes, whereas the benefits of this taxation will almost wholly be reaped by them when devoted to expand the activities of our nation-building departments. May I refer to one other matter regarding this tax in order to show how it differs from similar taxation proposals in other parts of India, or if I may say so, in many parts of the world? Sir, books have been written and quotations are plentiful regarding the nefarious nature of a general sales tax. This tax, Sir, is not a general sales tax and so arguments gathered by legislators from literature printed on the subject against a general sales tax cannot apply to this measure. A general sales tax means a tax which is levied on every sale relating to an article. From the importer or the manufacturer an article may pass five or six different hands before it reaches the consumer and on each transaction the tax is levied, whereas this tax will be levied only once during the whole process of passing from the importer or the manufacturer to the consumer. The machinery by which this is ensured is by registration of shopkeepers or manufacturers or importers whose turnover exceeds a certain quantity In the case of shopkeepers, the figure is placed at Rs. 50,000, and so the smaller shops are not required to collect the tax and pay it over to Government, if they do not wish to do so. I say if they do not wish to do so, because I believe that registered shopkeepers instead of being hit by this tax will be in a position of advantage over unregistered shopkeepers, and provision, therefore, has been made for unregistered shopkeepers to register themselves voluntarily if they desire to get the benefit of registered shopkeepers. Now, Sir, these registered shopkeepers are not required to collect or pay the tax on business transacted amongst themselves. But if they sell goods to an unregistered shopkeeper or to a consumer, then and then only will they collect the tax and pass it on to Government. Therefore, Sir, it is only at one point that the tax is levied. The unregistered shopkeeper when he sells to the consumer sells the article according to his cost prices and does not add on any fresh tax; he just passes on to the consumer the tax that he has paid to the registered shopkeeper. The tax has been kept as low as possible consistent with

yielding the requisite income. It is 1·5 per cent. which works out at 1 pice in the rupee and we feel, Sir, that the tax is nominal. It is regrettable that whenever the question of paying a tax to the Provincial Government arises, objections are always raised from quarters that pose as friends of the people and claim that they represent the voice of the people.

The Central Government are also imposing taxation; and yet those taxes will be paid, may be not gladly paid, but will be paid without opposition all the same. If the prices of certain articles go up, that price too will be paid, if not gladly, but will be paid because they will have to be paid; so there is no opposition. If the price of a piece of cloth goes up from twelve annas or fourteen annas to one rupee four annas, an addition of eight annas or six annas, that, too, will be paid; but if the same person has to pay one pice on cloth worth one rupee, then from all sides cries will be raised by these friends of the people that the world will come to an end, that no one will be able to stand this taxation, that it is so heavy, so penal that the people of Bengal will not be able to afford it, that they cannot bear any further taxation, etc. As I shall point out to the House later, this taxation has been so framed that a greater portion of the burden will fall—I say frankly—on the middle-classes and the richer classes of the population; and this satisfies the primary canon of taxation, namely, that those who can afford to pay should pay for the benefit of those who cannot.

Rai Bahadur KESHAB CHANDRA BANERJEE: How many times should these people pay?

The Hon'ble Mr. H. S. SUHRAWARDY: I could not catch what the honourable member said.

Rai Bahadur KESHAB CHANDRA BANERJEE: I said how many times will the people be called upon to pay?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, they will be called upon to pay in various ways and in various manner, and they will continue to be called upon to pay as long as the social inequalities do not disappear. (Mr. HUMAYUN KABIR: Hear! hear!) Persons who can afford to pay will be mulcted for the benefit of those who cannot, and the world is progressing towards this idea. Now, Sir, as I have pointed out, the tax is extremely low—only one pice in the rupee, payable by those gentlemen who can afford to pay, but who whenever they are asked to pay the least sum are the first to raise objections. As I have said, the ordinary fluctuations in the market are much greater than the tax which we are imposing. These ordinary fluctuations in price

are gladly paid, but there is the greatest reluctance to pay any thing in the nature of a tax, if the tax is levied for the benefit of the province. Matches were first included in this taxation measure. I did not at first exclude matches from this tax, because I was considering whether it was possible to pass on the tax on matches to the consumer. But subsequently I exempted matches from the purview of this Bill because not only were matches taxed by the Central Government, but they could be sold only under certain conditions, one of them being that a certain number of sticks have to be placed in the match-box. Consequently, the merchant would not be able to pass on the tax to the consumer. But the taxation which I would have levied would have been only one pice in the rupee. There were murmurs that people would not be able to pay this tax, that it would cause tremendous hardship, this one pice in the rupee; but now the Central Government has imposed a tax much higher in incidence; the price has gone far higher than my tax would have sent it; and yet the people will pay;—I have just given this as an example.

Now, Sir, the exemption we propose in this Bill can be grouped into certain well-defined categories. Firstly, we have exempted articles of food, of the nature of necessities and which even the poorest must buy to preserve life itself. For this reason, we have exempted cereals, paddy, rice, flour, sago, barley, pulses, bread, meat, fish, vegetables, *gur*, salt, mustard oil, milk, etc. All these articles which must necessarily be purchased are exempted from the tax. Secondly, such articles which provide necessary amenities for the rural population and can be held to be a burden on the poor people, if taxed, have also been exempted. We are waiting to see the result of our taxation, hoping that it may not be necessary for us to impose taxation on such articles. This category would include kerosine oil, tobacco for *hookah*, matches, quinine and febrifuge, text-books approved for primary classes for little boys, yarn, coal, and so on. The exemptions included under the third category are designed to prevent trade from being driven out of the province. We do not want the trade and business in this province to suffer on account of this tax. We have no desire whatsoever to damage the industry and business, and I really believe that the apprehensions of the trade to the contrary are unfounded. Sir, the various discussions on this subject from time to time have been of great value, and in framing this Bill we have inserted many provisions in order to lighten the burden on trade and business and to make this taxation more palatable for them. All items exported from this province—articles purchased and exported by the shops—will be exempted, so that persons outside Bengal may not be driven to buy from other places outside Bengal to escape taxation. Articles purchased by Railways or by the Government of India, by the Indian Supplies Department, which may be purchased from any other part of India, have been

exempted from taxation, because we do not want our trade and business in this province to suffer. Articles purchased by shipping companies—by sea-going vessels, for instance, coal, which they can purchase from South Africa, or oil, which they can purchase from Madras or Rangoon—these articles have been exempted. Articles such as bullion, whose volume is small but the value considerable and may be purchased from any other part of India, have been exempted; coal and coke which may easily be purchased from across the border, have been exempted. Then, Sir, another principle which we have followed in drafting the Bill is the avoidance of double taxation. Hence, articles which are used in the processes of manufacture, machinery, for instance, dyes, yarn, etc., which are used in the process of manufacture and for the purpose of turning out manufactured articles, have been exempted, because otherwise the taxation would fall both on the producing articles as well as on the articles produced.

Then, Sir, articles which are subject to their own taxation measures, to their own special taxation, have also been exempted from the purview of this Bill; because the better way to tax them is by amending their own Taxation Acts and not through a measure which affects commodities of all kinds. This small levy of one pice in the rupee is an insult to their taxable capacity. On this basis, Sir, country liquor, foreign liquor, opium, *ganja*, electricity, etc., have been exempted, because they are subject to their own special taxation measures.

Then, Sir, we have exempted some articles for the purpose of encouraging local industries and agriculture. In the case of local indutries and cottage industries, the fact that we have fixed the taxable quantum at as high a figure as 50,000 rupees turnover in the case of such registered shops will exempt cottage industries from taxation. *Gamchas* or the pieces of cloth made by our local weavers, pottery, bell-metal and any such articles if sold in *hâts* and *bazars* always will escape taxation. Even if they are not sold in *hâts* and *bazars*, and are sold to shops, they will escape taxation if sold to shops with a turnover of less than 50,000 rupees, but if sold to shops whose turnover is more than Rs. 50,000, then only it may be subjected to a tax of one pice in the rupee. But, Sir, in my opinion, the price will remain the same for two reasons. One is that a larger shop is more economical than a smaller one, and the other is that the larger shop cannot sell at a higher figure than the smaller shop, which is not called upon to pass on any tax to the consumer. He will have to sell at the same price and hence in all probability cottage industries will escape taxation altogether. Further, we have exempted hand-woven cloth if sold in a shop that does not sell any other kind of cloth. This limitation is necessary, as it will be impossible to exempt sales of hand-woven cloth only, if the shop also sells imported cloth; as in that case we would not be able to separate the sales of the two. We have exempted yarn. This will

encourage cottage industries. Similarly, by taxing *biris* we are also encouraging local industries, the local hand-made *biri* industry. The tax being only one pice in the rupee, it will not in any event make any difference to the quantity of the *biri* sold. At the same time, this small tax will encourage to that extent the local hand-made *biri* industry which is a feature of so many of our small *pan* and *biri* shops. We have also encouraged agriculture, Sir, by exempting agricultural implements and fertilizers.

Now, Sir, honourable members will see, therefore, that we have tried our level best to meet the various criticisms that have been levelled against this tax and to soften its rigours as much as possible, not only by lowering the amount of the tax but also by exempting a large number of articles. We are unable to say what will be the ultimate income, for after so many exemptions I am afraid that the income will not be so much as I had hoped at first it would be. Nevertheless, these exemptions have been embodied in this Bill, as I would like the rigours of this tax to be softened as much as possible. Later on, if we find that the income is not sufficient for our purposes and other sources of taxation are not so readily available, perhaps we may have to come to this House again in order to take away the exemptions from some of the articles. But at present we do not feel any necessity for doing so. I hope that the House will realize the paramount necessity of this taxation measure and will give it its due and proper consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Finance (Sales Tax) Bill, 1941, be taken into consideration.

May I draw the attention of the Hon'ble the Finance Minister to a certain point that rises in my mind? I entertain doubts as to whether clause 4, sub-clause 5 (*a*) of the Bengal Finance (Sales Tax) Bill, 1941, does not offend against the provisions of section 297 (*1*) (*b*) of the Government of India Act, 1935. This clause prohibits imposition of taxes so as to discriminate between goods manufactured or produced in the province and similar goods not so manufactured or produced. The effect of clause 4 (*5*) (*a*) appears to be that any dealer of goods which are imported for sale into Bengal would be liable to the proposed tax provided the turnover exceeds Rs. 10,000. But the dealer of goods manufactured in Bengal would not be liable to a similar tax. In other words, there would be discrimination as between dealers of goods produced in Bengal and dealers of goods produced outside Bengal and imported.

Suppose, a dealer imports oranges from Assam and another dealer sells Darjeeling oranges. Now, under clause 4 (*5*) (*a*), the taxable quantum means "in relation to any dealer who imports for sale any goods into Bengal, or himself manufactures any goods for sale, 10,000 rupees." The Assam dealer shall have to pay tax if he deals with

goods of Rs. 10,000 whereas the Darjeeling dealer will not be liable to pay this tax, as he does not import but the oranges are produced in Bengal. Of course, I have not arrived at any decision on this point, but I only draw the attention of the Hon'ble the Finance Minister to the provisions of section 297 of the Government of India Act in this connection. In section 297 (*1*) it is stated: "No Provincial Legislature or Government shall by virtue of anything in this Act have power to impose any tax, cess, toll or due which, as between goods manufactured or produced in the province and similar goods not so manufactured or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the province, discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality."

It is our duty to see that nothing is enacted which is beyond the jurisdiction of the Provincial Legislature. At this stage, I am only drawing your attention to this aspect of the matter. You need not reply to this point now.

The Hon'ble Mr. H. S. SUHRAWARDY: Thank you, Sir, I will look into this point.

Rai Sahib JATINDRA MOHAN SEN: Sir, I beg to rise to oppose the motion for consideration of the Bill.

Mr. PRESIDENT: Your turn will come a little later. There are certain amendments and they must be moved now. Do you like to move your amendment, Rai Bahadur?

Rai Bahadur KESHAB CHANDRA BANERJEE: Yes, Sir.

Mr. PRESIDENT: Then, please do so.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I beg to move that the Bengal Finance (Sales Tax) Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

Sir, I do not think that many words are needed to explain the object of my amendment which is very simple. It will perhaps be admitted that the Bill is of a far-reaching character. It contains provisions regarding taxation which should be carefully considered before the Bill is placed on the Statute Book. The Hon'ble Minister in his Statement of Objects and Reasons has stated that "the present sources of income of the Government of Bengal are not sufficient to enable them to maintain the natural development of the programme of nation-building activities already in progress, and, for the purpose of financing the further beneficent schemes for the economic improvement

of the province for which there have been insistent demands in this House and which the Ministry feel cannot be postponed, additional revenues are essential." Sir, these are the grounds on which the Hon'ble Minister seeks to take his stand for the introduction of this measure. I need hardly point out that any Government that relies for its day-to-day administration upon taxation must be deemed to have failed in its duty and failed hopelessly; in fact, no Government in any country can rely on taxation in order to carry on its administration. But, Sir, I must say that I admire the Finance Minister's keen sense of duty and courage of conviction in risking his own popularity and that of his colleagues in the Cabinet on the eve of a general election. Mr. Suhrawardy has further referred to the dwindling closing balance and the necessity of providing for a sufficient reserve at the disposal of Government. Sir, may I in this connection draw the attention of the Finance Minister to the amount of travelling allowance which has been drawn by the Ministers in the course of their tours throughout the province? If this large sum of money could be curtailed and saved, a large amount of money would be available for expenditure on the nation-building departments for which the Hon'ble Minister seeks to tax the already over-burdened people of this province. The Hon'ble Minister should also have taken care to find out any possible avenues of retrenchment in the current expenditure of Government. Does he not known that full effect has not been given to the recommendations of the Retrenchment Committees—I mean the Swan Retrenchment Committee and the Rajendra Mookerjee Committee—appointed some few years ago, to advise the Government upon retrenchment in its current expenditure? The recommendations of these two committees have not been given full effect to and before that is done, I do not think that Government will be justified in embarking upon any taxation legislation of any kind.

Now, the next point to which the Hon'ble Minister has referred in his speech is that the masses of the population have not protested against this measure as they feel that it has been introduced in their own interest and for their own benefit. May I know, Sir, what is the source of this information of the Hon'ble Minister? The Bill has not been circulated and the public have not yet been able to know what it contains and what amount of money Government expect to realise by passing this measure. That, Sir, strengthens my argument in favour of circulation of the Bill, as a Bill of this nature which seeks to impose an additional burden upon the people should not be passed on the floor of the House without giving the public an opportunity of expressing their opinion thereon. The recommendations of these two Retrenchment committees have not been given full effect to, and before that is done I do not think Government would be justified in embarking upon a legislation of this kind.

Then, Sir, the Hon'ble Minister has further stated that those who can pay must be made to pay for the benefit of those who cannot. The Hon'ble Minister perhaps would not deny that he comes under the first category. Sir, if his heart bleeds for the poor, why does he not set an example himself by sacrificing a portion of his salary——

The Hon'ble Mr. H. S. SUHRAWARDY: I am going to pay this tax.

Rai Bahadur KESHAB CHANDRA BANERJEE: A gesture of this nature will be greatly appreciated by his electors who will certainly remember it at the time of the general election. I do not think that I should go into details at this stage—the proposition is simple enough. What I want is that the Bill should not be rushed through this House without circulating it for eliciting public opinion, and a perusal of the different clauses of the Bill will convince anyone that it is bound to multiply complications and increase the work of the officers of the Government who, besides their routine work, have many duties to lay their hands upon. With these words, I commend by motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that the Bengal Finance (Sales Tax) Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

The House will now consider this amendment only. Anybody willing to speak on this amendment may do so.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the amendment is for circulation. But I was wondering what could be the purpose of sending the Bill, for eliciting public opinion. I believe, if we are to ask anybody whether he is willing to pay any tax, he will never say that he is willing. He will never stop to enquire whether the tax is just, whether the tax collected from him is for the purpose of accumulation in the Treasury and for the purpose of returning to him for his benefit: he will never stop to do that. The Bill was before the other House, before the public and before us for a considerable time, and I do not think it is necessary to send it for circulation. I believe it is just a question of adjustment of the budget. The budget shows a deficit of Rs. 1½ crores. It is an elementary principle of accounting that the budget should be balanced, and in order to balance the budget some sort of taxation is unavoidable. The question for consideration is whether this tax is good and whether there are other kinds of taxation which are better and whether there are avenues of saving and effecting economy. It is on this ground alone that I submit that circulation of

the Bill for the purpose of eliciting public opinion will simply be a waste of time. The House would be quite in a position to consider whether the money is really wanted and whether it is likely to be used for the people. Matters of detail, *e.g.*, the effect of this Bill on commerce or something of the safety devices in the Bill and other things are matters which will be considered later on. We are asked at this stage to consider whether the Bill on the whole in principle satisfies those simple tests. I submit, Sir, the sending of the Bill to the public for eliciting opinion will simply mislead the people and will not help us in any way.

Mr. HUMAYUN KABIR: Mr. President, Sir, I was for some time undecided in my mind as to whether to oppose the motion for introduction or to support the motion for circulation. But after the speech of the Hon'ble Finance Minister I have persuaded myself to support the motion for circulation of this Bill. The Hon'ble Finance Minister tried to build up a case for imposing this new tax at, what he was himself pleased to call, the fag-end of his stewardship of the finances of this province. He also pointed out that as a Finance Minister, he would not in the normal course like to place such a Bill before the Legislature just before the country goes to general elections. I have a shrewd suspicion in my mind as to whether it is not the possibility of the postponement of elections which has something to do with the introduction of this Bill at this stage, but since that is a mere suspicion and nothing more, I do not want to pursue that point any further. But I would like to make one or two remarks with regard to some of the statements which the Hon'ble the Finance Minister has made. He seemed to resent very much that there should be people who pose as friends of the people. I have taken down his words, "pose as friends of the people," and I can quite understand his resentment. For I think, by this time the people of Bengal know—and he himself knows—that the rôle of posing as friends of the people of Bengal is a monopoly of the Hon'ble the Finance Minister himself. Naturally as a steward, as he describes himself, he would resent that anyone else should lay claim to a rôle which he had appropriated to himself. I also know that the Hon'ble Finance Minister was at one time a criminal practitioner of some standing. He knows that when there is no case for a particular cause, the best thing to do is to abuse the opponent and that, I take, was the main reason why in reply to some of the criticisms which we made in connection with the budget, he was moved to reply that the budget discussion tended to become a fight over the Sales Tax Bill and also anybody who did not agree with him was only ranting. It is certainly quite easy to use comfortable words with which to dismiss hard arguments. But nevertheless the House will remember that even in spite of the peroration to which the Hon'ble

Minister tried to work himself up at the end of his fairly lengthy speech, he did not answer the point which was first mentioned by my honourable friend to my left, the Leader of the European Croup, and to which I drew his pointed attention once more, viz., the question of the 30 lakhs of rupees which was supposed to have been spent over the purchase of jute during the last year and about which no accounts have been given in the budget this year. Even if there be some loss on that account, at any rate a portion of the money must have come back, but in spite of repeated pointers to that effect, the Hon'ble the Finance Minister remained quiet unlike his usual vehement protestations in other matters. But with regard to the points raised about retrenchment, he was very vehement and told us that no further retrenchment could be effected in the sphere of the general administration of this province. My honourable friend Rai Bahadur Keshab Chandra Banerjee has to-day suggested at least two avenues where some retrenchment might be possible. The question of the salary of the Ministers is one and that is a very pertinent suggestion. In fact, Sir, for many of the Ministers the salary which they are drawing now is very high and even if their salary is somewhat reduced, they will still be drawing considerably more than they could have ever hoped to in any other avocation of life. For the majority of the Ministers, the salary is out of all proportion to their deserts, and even if their salaries be drastically reduced, there can be no question of retrenchment at all ! My honourable friend Rai Bahadur Keshab Chandra Banerjee has also pointed out the extraordinary travelling allowances drawn by the present Ministers. No doubt, as a popular Minister, one should tour about Bengal. That is quite true, but I cannot understand why an Hon'ble Minister should go to the same district almost every week-end? Why has the Hon'ble Minister to go and visit two subdivisions of the same district in two subsequent weeks? Cannot the work be so organized, cannot the tour programme be so arranged that the Ministers might cover a particular area of Bengal in one tour and not repeat their visitations—I should say they are visitations only —to the different areas of Bengal at the cost of the public? Their visitation to the different localities means not only cost to the public exchequer, but as the Hon'ble Minister himself knows, these are also costing a very great expenditure to the local public concerned.

There is another point to which I want to draw the attention of the Hon'ble the Finance Minister. The whole case which he has tried to place before the House with regard to this Bill is that there is at present a deficit and that must be met. The point I am referring to is with regard to retrenchment. I think, Sir, you will agree with me when I say that we have very often met in this House and have found that there was no business to transact. In the course of the last four years, we have on many occasions been told by Government that there

was no business before the House. Also on many occasions we have not met for days together. We have adjourned the House sometimes for five days, sometimes for six days, sometimes for seven days and during all this period, large sums of public money have been spent unnecessarily. The average daily cost of the sitting of the two Houses is I think, approximately Rs. 3,000, and on many occasions we have found that the sitting had been so arranged that we met just a day before a public holiday and after having met for a day or two, there was a holiday again for four or five days. On all these occasions money is spent without any rhyme or reason. In this present session of the Legislature, if I remember aright, the Assembly met on the 3rd February and after sitting for a day or two had a recess of four or five days. Again, we met on the 10th February, but before we had sat for even one consecutive week, on the pretext of census work there was a recess of nearly a week. Sir, the public revenues of Bengal are being squandered away in this manner. I do not think that I can compliment the Hon'ble Minister for his stewardship, for he did not pay proper and adequate attention to all these wastages which we have to incur unnecessarily.

Now, Sir, there is the question of deficit about which also many points remain unanswered. I fully know the old adage that questions might be put, but it is not necessary that answers should be given. We have been faced with deficits for the last three years. Though at the time of the presentation of the budget, it is a deficit budget, at the time of the final reckoning, we find generally—and may I say mysteriously—deficit budgets turning into surplus ones. With regard to the budget of the last year which will be closing on the 31st March, grave doubts have been expressed as to whether that will actually be a deficit one. Figures which were discussed in another place show that the surplus which the Hon'ble Minister calculated to be Rs. 30 or Rs. 40 lakhs may actually turn out to be a crore, if not more. Thus, the first ground on which the Finance Minister bases his case with regard to the present Bill falls to the ground.

Sir, there are two pillars on which the present Bill stands. One is the deficit in the budget and the other the need of expanding the national services. But both must be submitted to scrutiny before acceptance. On the one hand, if there is a deficit that may be due either to bad stewardship or to lack of resources, and the other is the question of utilising the income for the nation-building services. So far as the deficit is concerned, I have tried to place before you, Sir, certain factors which argue that this deficit is an artificial deficit and will remain so, so long as the Government does not make up its mind to curtail unnecessary expenditure. At the present moment, expenditure is being undertaken unnecessarily, and so long as this goes on there will be no point in saying that we want more money for nation-building

work. There is also the significant remark of the Hon'ble the Finance Minister that it is time to take up some of the ameliorative measures and that there is no further time for procrastination. I certainly agree that at the end of four years, at the time of presenting the fifth budget, it has struck the Hon'ble Minister that he should wake up and say that there is no further time for procrastination. Now, the day of reckoning to which he has himself referred to-day might dawn in a way which perhaps may not be as pleasant as he would like it to be. This brings me to the second consideration. Sir, the question of any scheme, the question of using this money for nation-building departments and ameliorative measures, have not been properly faced. If this Bill were introduced with a view to granting money for a definite purpose, if the money were to be spent for introducing compulsory primary education in Bengal, if the money were to be spent on free and compulsory education for every citizen of Bengal, we would have no objection to it. We would have supported it, we would have accepted the Bill. Sir, the Hon'ble Minister mumbles something which I cannot hear. (The Hon'ble Mr. H. S. SUHRAWARDY: The present income is not enough to provide free and compulsory primary education to every citizen in Bengal.) About that also I have grave doubts, for he has himself stated that the figures necessary for primary education have been calculated by some at Rs. 1 crore, by some at Rs. 2 crores, by some at Rs. 3 and by some at Rs. 4 or 5 crores.

This year also a fairly large amount has been set apart for primary education, and I think that even the Hon'ble Finance Minister will not say that the 2 crores which is the amount that he expects from this Bill will not go a long way towards helping to solve the problem of primary education in Bengal. It is no use saying that it will not by itself supply us with all the money necessary for the purpose. It might, on a suitable scheme, be possible to finance primary education in Bengal with a sum of about 2½ crores of rupees. But even if this sum is not wholly sufficient and is inadequate for the full functioning of free primary education, even then there is no reason why this sum should not be ear-marked for a definitely urgent purpose like that. Our main objection to the Bill is that the Bill has been introduced in order to meet the current recurring expenditure of the province and this was the point which Rai Bahadur Keshab Chandra Banerjee made at the beginning of his speech. If a Government has to impose a new burden of taxation on the people in order merely to run the administration, the Government must be said to have failed to that extent. It is a confession of failure and defeat on the part of Government to say that with the money available, with the estimated increase accruing from this taxation measure a beginning cannot be made with compulsory primary education. Besides, Sir, since the inauguration of Provincial Autonomy, there has been a definite increase in provincial revenues.

The amount of the increase is a matter of dispute, some saying that it is about 2 crores while the Finance Minister has himself said that it is about 80 lakhs. I think there is some room for difference of opinion with regard to the increased revenue which has come into the hands of the Finance Minister; but even on his own computation, it is about one crore of rupees. If we find that in spite of this increase of one crore, Government has had to take recourse to this taxation measure for running the day-to-day administration of the province and meeting its current expenditure, then it does not reflect any credit on the planning of the Finance Minister.

Sir, if in spite of all the defects in the Bill, the money had been ear-marked for primary education, we would in spite of our objection to some particular items have supported its general principle. I may mention here that I agree with one statement the Finance Member made to-day—and I agree with him without qualification—that those who can afford to pay should pay for the benefit of the poor, that the rich should be taxed in order to beautify the conditions of life of those who are unable to pay. I am at one with him in this, but unfortunately I cannot agree with him when I find that his practice does not bear out his professions. One important point was made by Khan Bahadur Naziruddin Ahmad who wanted to be satisfied that this tax and this tax alone would supply Government with the necessary amount of money for nation-building purposes and that no other or better means of getting this sum existed. I would ask him to remember what has been said on the floor of the House with regard to taxing other sources of income. Agricultural income, the income of the landed proprietors of Bengal, is a source of additional income not yet tapped by Government, and I would ask Mr. Suhrawardy to say whether he does not consider taxation of the agricultural income of rich land-owners above a certain level to be a more equitable form of taxation than this particular measure which he is asking us to take into consideration to-day. There is another point in his speech to which I want to refer. It seemed to me that Mr. Suhrawardy was in his own mind somewhat confused and, being confused himself, it was but natural that he would prove misleading to the members of the House as well. At one stage in his speech he said that an agitation was set on foot by certain big firms and industrialists because they felt that they could not pass the tax on to the consumer——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I never used the word "felt". I used the word "apprehended".

Mr. HUMAYUN KABIR: All right, Sir, I accept the correction. Nevertheless, the argument advanced was that the agitation was based on the apprehension that the tax cannot be passed on to the consumer.

May I know, Sir, what Mr. Suhrawardy himself thinks because he left the House in the dark about it? Does he not think that it will be so passed on to the consumer? (The Hon'ble H. S. SUHRAWARDY: Yes, it will be passed.) In that case it further strengthens my argument. The Hon'ble Minister said that unregistered shops would have to pass the tax on to the consumer. Therefore, ultimately, it is nothing but a tax on consumers. Mr. Suhrawardy tried to make some point regarding the distinction between a general sales tax—a turn-over tax as it is generally called—and this particular tax which is a specific sales tax. So far as the incidence of this taxation is concerned, it is lower than that of the general sales tax and is therefore less harmful than the former. Nobody, I think, ever disputed that fact and, therefore, I cannot make out why the Hon'ble Minister has taken so much pains to explain it. It is fairly obvious. The questions we have to consider are: whether the tax will be passed on to the consumers or not; what will be the amount of money that will come through this tax: if there are other and more equitable means of taxation like the agricultural income-tax: have they been taxed? Is the present tax proposed only for saving certain departments of the Government? Whether retrenchment can be effected without impairing the efficiency of the administration? These are the points which we find have remained unanswered in the eloquent speech of the Hon'ble Mr. Suhrawardy. I think the House should not agree to consider the Bill till it is satisfied on the questions as to whether there are other and better ways of taxation; whether people who are better able to pay have been taxed; whether there are avenues of retrenchment; and whether the money realised from this taxation should be definitely earmarked for nation-building departments. Till we are satisfied on these points, I would urge that the House has no option but to vote against the Bill.

Mr. PRESIDENT: In replying to the debate, I would expect the Hon'ble Finance Minister, if possible, to confine his remarks only to the amendment for circulation.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I hope you will permit me to reply to the remarks made by the honourable members.

Mr. PRESIDENT: Yes, but I may point out that the amendment now before the House is for circulation and you should confine your speech, as far as possible, to that amendment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, would it not be better to make one round of speech to meet the various criticisms?

Mr. PRESIDENT: I shall put the amendment for circulation to vote first and if it fails, then the amendment for reference to Select Committee will come up for discussion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry that Rai Bahadur Keshab Chandra Banerjee has become a victim of the mania of casting cheap jibes at the Ministers and that he has considered for his appropriate avenues of attack the travelling allowances of Ministers and their pay. But if all the travelling allowances and pay of the Ministers and all the pay, and travelling allowances, daily allowances and conveyance allowances, drawn by the members of the Legislature, were lumped together, they will not be able to bridge the gap between expenditure and revenue; and hence I do not think, Sir, that the mere fact of Ministers' earning cheap popularity by giving up a portion of their pay or by shirking their duty by remaining comfortable at home instead of visiting the countryside and meeting the people and ascertaining their views, will enable the province to be provided with sufficient amount of money for its various needs and requirements.

Then, Sir, Mr. Humayun Kabir thought that possibly this Bill has been introduced in view of the possibility of postponement of the general election. He has more knowledge of the future than I possess, and I would certainly not risk the present unpopularity for the sake of a possibility of postponement. If I have risked this unpopularity, Sir, it is because, as I have stated, I have been impelled by a sense of duty which, I feel, it was incumbent upon me to perform.

Mr. Humayun Kabir has referred once more to the point why there is no mention in the budget of the jute which we purchased for nearly 30 lakhs of rupees, and why I have not mentioned it in my speech in this House before. The reply was so obvious that I thought it was not necessary to refer to it. I have not the slightest idea as to whether we shall sell this jute this year or next year, and not the slightest idea whether it will yield us a profit or it will be sold at a loss. I am hoping that it will yield us a profit. It is the future that will justify my prognostications; but would it not be ridiculous if I were to set down in the budget a fanciful figure of 20 lakhs or 30 lakhs or 40 lakhs as the price which I consider the jute would fetch at some date which is wholly indeterminate and at a rate of which I have not the slightest idea? As I have pointed out in another place, I have every hope that this jute will be sold at a profit and not at a loss. We have taken very great care to see that not only the quantity but the proper quality has been purchased and every single bale has been opened and examined. I am sure a time will come when the jute that we have so purchased will be found sufficiently attractive for the mill-owners to purchase from us.

Sir, Mr. Humayun Kabir was the last person from whom I expected a remark that there are gaps between the days when there is work before this House. After the manner in which he has strenuously fought for periods to elapse between the motion for consideration and taking up the Bill, clause by clause, after the manner in which he studiously refrains even from looking at the clauses, or even ascertaining the purport of the Bill until the motion for its consideration has been passed on the floor of the House, after the manner, as I thought of deliberately attempting to procrastinate the work of this House, for him to turn round and say—

Mr. HUMAYUN KABIR: On a point of privilege, Sir. I think the Hon'ble Minister is casting a very grave reflection on this House itself, because what I was saying is that the rule should be observed; and if he says that observance of the rules of the House is procrastination, I beg to submit he is casting a reflection on the wisdom of the House itself. I think, Sir, he should withdraw what he has just now said.

Mr. PRESIDENT: I agree with Mr. Humayun Kabir that it is not desirable to ascribe motives to honourable members of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: I withdraw the expression, Sir, as I have not the slightest intention of casting any aspersions either on the rules of this House or on the wisdom of the members of this House. Sir, it is open to anyone to claim to be friends of the poor—my friends opposite or ourselves—but it is only by the actual service that we render to them that we shall justify or not justify the claim. Sir, it is easy to pretend lip sympathy, by going amongst them weeping and crying with them and over them, making them more depressed, more miserable; pretending to sympathise with them; to such as these I refer as pretended friends of the poor, and not to those who, fully alive to the unhappy lot of our people, render real service to their cause by actual work. Whether we are justified in claiming that appellation or not it is not Mr. Kabir who will judge, but it will be the poor and the masses who will do so and the verdict of the country will be given at no distant date.

Sir, adversity makes strange bed-fellows and here in adversity I find Mr. Humayun Kabir, who wants a tax on agricultural income lying in the same bed with the Raja Bahadur of Nashipur, Rai Keshab Chandra Banerjee Bahadur, and Mr. Birendra Kishore Roy Chowdhury who will strenuously oppose any such measure. We shall see, Sir, in future what attitude these honourable members take up in regard to such a proposal when I come to sponsor it. Mr. Keshab Chandra Banerjee has not understood, if I may say so, the purpose of this taxation when he

says that it is merely to meet current expenditure, the current expenditure of what he terms as "Administration". That is not so. A deficit is not something which exists in air, deficit is created by expenditure or proposed expenditure. And therefore if a deficit is created by expenditure on nation-building departments and a tax is being raised for the purpose of covering that deficit, that tax is being raised for expenditure on nation-building departments, and not for meeting the current expenses of the administration. We have not ear-marked——

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of personal explanation, Sir, what I said—

Mr. PRESIDENT: Order, order, the honourable member cannot rise on a point of personal explanation unless the Finance Minister gives way. The proper time for this will be after the Finance Minister's speech is finished.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, personal explanation may be given later.

We have not deliberately ear-marked the proceeds of this taxation here for any specific purposes such as primary education and so on and so forth. Primary education is a growing necessity. We have, I think allotted Rs. 20 lakhs this year extra for primary education which altogether will be about Rs. 45 lakhs, and as it will be introduced in the various districts, more and more money will have to be provided year after year. There is no going back on that scheme and we can never take up the position that we cannot pursue the scheme of primary education on the score of financial stringency. This tax is being raised primarily for that purpose as well as for two other major purposes, namely, rural water-supply and rural health. But obviously money is not going to be spent merely on these alone. There are many facets and aspects of the work of Government, on which the money will be spent, namely, quinine, malaria, cinchona, fisheries; all matters concerning nation-building will have to be taken into account, encouraging industries, big or small, giving loans to agriculturists in distress, resuscitation of dead and dying rivers, development of agriculture, etc.

That is all, Sir, that I have to say. This matter has been considered and ventilated, and I believe, Sir, that I have been responsive to a very great extent to public opinion; and have tried to meet the salient objections. I think, Sir, no case has been made out for circulation of this Bill or for any further procrastination.

Mr. PRESIDENT: The question before the House is: that the Bengal Finance (Sales Tax) Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

(The amendment was negatived.)

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move an amendment to the motion of the Hon'ble Finance Minister for the consideration of the Bengal Finance (Sales Tax) Bill, 1941, as passed by the Legislative Assembly. My amendment is that the Bill be referred to a Committee of the whole Chamber.

No measure has evoked a greater controversy in this province than the proposed Sales Tax. It is true, Sir, that this Bill was examined carefully by a Select Committee of the Lower House, which modified some of the provisions which the original Bill contained. But all the same, there is wisdom in referring it again to a committee of the whole Chamber in order that a measure so controversial in character may have an opportunity of fresh examination and investigation.

Apart from the complications which this Bill, if passed by the Legislature and assented to by the Governor, will create in commercial transanctions in this province, its chief defect appears to me to be that although a large sum of money is expected to be realised from this source, no definite scheme has so far been formulated by the Government for spending this large amount in a constructive and productive manner. I have emphasised it before, and I am emphasising it now, that before the introduction of Provincial Autonomy the Government of Bengal had a revenue which was almost 40 per cent. less than what it commands to-day. It is unfortunate, however, that by the expenditure of the additional income to the extent of more than four crores of rupees, the Government of Bengal has not improved by one iota the condition of things in Bengal. I shall not, Sir, enter into the details of the different aspects of our life in this province on this occasion. But this much I shall point out here that in none of these aspects has a lasting improvement been effected by the Government during the last four years. Nor can we discern any plan for any national development.

I do not want, Sir, that the proceeds of the Sales Tax, if this measure is adopted at all, are devoted to carrying on the day-to-day routine administration of Bengal. It is essential that if the people of Bengal are subjected to this new tax, its proceeds should be utilised in improving, in a basic and comprehensive manner, some particular aspect of our otherwise unhappy life. Let this money be expended either for purposes of irrigation or for public health or for some such constructive work. I, for one, Sir, would give my support to this measure only if the Government draws up a well-calculated scheme for dredging the waterways and for creating other irrigation facilities in this province. In order that such a scheme may be properly financed, the Government may raise a loan whose service would be adequately met by the proceeds of the Sales Tax. This extraordinary measure may be acceptable to the people of towns and villages only on the condition that the Government agrees to work out a scheme of this character.

In the absence of any such scheme, it is apprehended that the money raised by this fresh taxation will be utilised only for purposes of pampering the already inflated departments for routine administration. It is our endeavour, Sir, to stop the frittering away of the money which is likely to be raised by the Sales Tax, and it is with that object in view that I am sponsoring this amendment.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Finance Department,

(2) Mr. Birendra Kishore Roy Chowdhury,

(3) Raja Bhupendra Narayan Sinha Bahadur,

(4) Mr. Amulya Dhone Roy,

(5) Khan Sahib Abdul Hamid Chowdhury,

(6) Khan Bahadur Ataur Rahman,

(7) Khan Bahadur Shaikh Muhammad Jan,

(8) Khan Bahadur Rezaqul Haider Chowdhury,

(9) Mr. Humayun Kabir,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report by the 30th April, 1941, and that the number of members necessary to constitute a quorum shall be five.

Sir, I do not think I need repeat the arguments which I put before the House in connection with my previous amendment. The argument in connection with this amendment is practically the same as those advanced in support of the circulation motion. The only thing which I wish to refer to is this: the Hon'ble Minister a short while ago said that I said in moving the previous amendment that the revenues to be derived from taxation would go to meet the current expenditure of the Government. But what I said was, that Government should explore all possible sources, curtailing the current expenditure, before they introduce a measure of this kind. I am sorry if I have offended the Hon'ble Mr. Suhrawardy when I am alleged to have indulged in cheap jibes, which I thought was the monopoly of Mr. Suhrawardy.

Then, Sir, the next point that I wish to refer to is that it is necessary, now that the circulation amendment has fallen through, that the various provisions of the Bill should be examined, before they are accepted by the House, as has already been stressed by me and later

on by my friend Mr. Birendra Kishore Roy Chowdhury, and should not be passed as they stand at present. That is why I am in favour of referring it to a Select Committee consisting of 11 members in order to enable the various provisions to be closely examined and improvement suggested. In this connection I would like to refer to one of the aspects of the Bill which has not yet been touched upon, that is, with regard to the tobacco leaves used as *biris*. It appears that tobacco leaves have been left out from exemption, and tax would be levied on this. It is well-known that *biris* are prepared from——

Mr. PRESIDENT: Order, order. May I draw the attention of the honourable member that at this stage he need not go into a discussion on the merits of the clauses of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJEE: All right, Sir. These are important points which the Select Committee will be able to consider before the Bill is finally passed. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Further amendment moved: that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Finance Department,

(2) Mr. Birendra Kishore Roy Chowdhury,

(3) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

(4) Mr. Amulya Dhone Roy,

(5) Khan Sahib Abdul Hamid Chowdhury,

(6) Khan Bahadur Ataur Rahman,

(7) Khan Bahadur Shaikh Muhammad Jan,

(8) Khan Bahadur Rezaqul Haider Chowdhury,

(9) Mr. Humayun Kabir,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report by the 30th April, 1941, and that the number of members necessary to constitute a quorum shall be five.

Mr. J. B. ROSS: On a point of information, Sir. Will the honourable mover inform us whether he has received the written consent of persons whose names appear in this amendment?

Rai Bahadur KESHAB CHANDRA BANERJEE: I have obtained verbal consent of the members.

Mr. J. B. ROSS: Is it not the rule that written consent of the persons proposed should be obtained? If that has not been obtained, I submit that this amendment is not in order.

Mr. PRESIDENT: Is it correct that the consent of the members have not been obtained?

Rai Bahadur KESHAB CHANDRA BANERJEE: Yes, Sir, I have obtained their consent.

Mr. PRESIDENT: He has obtained the consent.

The Hon'ble Mr. H. S. SUHRAWARDY: Is not written consent necessary?

Mr. PRESIDENT: I feel that a convention should be established that written consent of individual members should be obtained.

Mr. KADER BAKSH: Sir, it was not my intention to take any part in this debate. But as the motion has been moved by Rai Bahadur Keshab Chandra Banerjee for referring the Bill to a Select Committee, I rise to oppose it on principle, because I do not understand what useful purpose will be served by sending it to a Select Committee. Again, Sir, the manner in which the committee has been proposed to be formed is objectionable from various points of view. It has not been proposed on the basis of the respective Party strength in this House. You, Sir, had given directions before that it is desirable that these committees be formed of members in proportion to the strength of their Parties. That was your decision. That was rather the advice given by the Chair some time ago and that has not been followed. Moreover, Sir——

Mr. PRESIDENT: Order, order. There is one difficulty and that is the absence of the Congress Party from the House. On account of that it is not possible to get their names for inclusion in the Select Committee. But I find that there are six names from the Coalition Party and there are names also from the European Party and from the Nationalist Party. I have scrutinised the names and I find it in order.

Mr. KADER BAKSH: Now coming to the motion itself, Sir, I find that this Bill has been before the country for a pretty long time. Everybody had an opportunity including my learned friend the mover of the motion to go through the Bill and, Sir, it will be useless waste of time if it be again sent back to a Select Committee while we have

the opportunity to discuss the Bill on the floor of this House clause by clause. Would it not be sufficient for us to have an expression of our opinion on the floor of the House? I, Sir, believe and honestly believe and everybody perhaps believes with me that no useful purpose would be served by referring the Bill to a Select Committee. Therefore, Sir, I oppose this motion of referring the Bill to a Select Committee.

Mr. HUMAYUN KABIR: Sir, I had no intention to speak on this particular motion, but the speech of Mr. Kader Baksh forces me to make a few remarks. What he has said may apply generally against Select Committees. In fact, the whole of his speech was directed against the advisability of having any Select Committee at all. He said that he is convinced, and all who think with him are convinced, that there is nothing in this Bill which merits close examination. But I would confront him with the opinion of the honourable mover of the Bill himself. The Hon'ble Mr. Suhrawardy said that it is a very complicated measure, and he has never suggested that it is not a measure which is not full of many difficulties. It is a complicated measure. The Bill may be very simple to Mr. Kader Baksh, he may have seen all the intricacies of the Bill and the bearings of the many economic questions which are involved in its passage. I am afraid that many of us on this side of the House must confess our ignorance with regard to the likely repercussions of the provisions of this Bill. And, Sir, the purpose of the Select Committee is to examine some of these measures in a more liberal and less controversial atmosphere. It is the general experience of this House that when amendments are moved on the floor of the House, they have the tendency of proceeding on party lines and on a Party colour. It has also been our experience that many perfectly good amendments emanating from this side of the House have been voted down by members of the Coalition Party simply because they were moved from this section of the House. It is equally the experience of this House that when sitting in a Select Committee, this kind of controversial attitude is not developed. There is more of give and take and there is a greater opportunity of examining closely the different provisions and the clauses. And I think, Sir, particularly one remark of Mr. Suhrawardy himself makes it necessary to refer the Bill to a Select Committee. In the course of his speech at an earlier stage to-day he made a statement or rather almost made a statement which we would have accepted whole-heartedly, and that is that the money might be ear-marked for primary education. In the course of his reply, he mentioned two or three other items, namely, the improvement of the irrigation and public health, on which, he said, the money derived from this Sales Tax will be spent. If it be really the purpose of the Government to spend this money on irrigation, education, public health and rural water-supply, we on this side of the House will certainly support

such a move, but we must be assured that this is really the purpose of Government. If the money is ear-marked for these three purposes, we shall be convinced of the *bona fide* of the Government. These corrections may be made and this kind of ear-marking effected more naturally and easily in a Select Committee than on the floor of the House, and that is, I think, the reason why Mr. Kader Baksh in spite of his vehement protest against all Select Committees should vote for a Select Committee for this Bill.

Rai Sahib JATINDRA MOHAN SEN: Mr. President, I have listened with a good deal of attention to the various speeches which have been delivered on the floor of this House this afternoon, and I am sorry that the attitude of the Government and of the Coalition Party is against the acceptance of the amendment for reference to the Select Committee or for consideration for eliciting public opinion thereon. Sir, all my friends on the other side are of opinion that no useful purpose will be served by sending this Bill for eliciting public opinion——

Mr. PRESIDENT: That motion has been rejected; you need not refer to that.

Rai Sahib JATINDRA MOHAN SEN: I am only referring to that in passing, as my friend Mr. Kader Baksh also referred to that. With regard to this motion for referring the Bill to a Select Committee consisting of the whole House, I think I am entitled to make some observation and generally on the whole Bill itself.

Now, Sir, my honourable friend Mr. Kabir has answered some of the questions which were put by my friend Mr. Kader Baksh. Sir, I find from the attitude of Government that they are not disposed to accept either of these amendments. So I am constrained to make some observation with regard to the Bill as a whole. I do not think that the Hon'ble the Finance Minister has really made out a case for consideration of the Bill in this House. It is true that this Bill was passed by the other House, but it is a well-known fact that every inch of the ground covered by the Bill was contested there, and the Finance Minister also knows the amount of protest and resentment which has been raised over this Bill in the countryside. The Finance Minister also knows that on several occasions *hartals* were observed not only in this city but in other places to express their dissatisfaction against the provisions of this Bill; and recently, Sir, on the 4th of March last there was a public meeting in the Town Hall in which certain resolutions were passed expressing public resentment against the provisions of this Bill.

Now Sir, with your permission I will read the resolution before this House: "This meeting of the general public"—and I draw the attention of the Finance Minister to the expression "general public" because

he said in one of his speeches that as a matter of fact the public were not very much interested in the protest but only certain classes of traders who apprehended that their interest would suffer were persons who had led the agitation—"and the citizens representing the commercial, industrial and trading interests of Calcutta records its emphatic protest against the proposed Bengal Sales Tax Bill now under consideration in the Bengal Legislative Assembly and is of opinion that the said Bill will prejudicially affect the infant trades, commerce and industries in the country and will also tell heavily on the millions of this province who are already overburdened with numerous taxations. This meeting, therefore, urges the Bengal Ministry to withdraw the said Bill in the interests of all sections of the people and also calls upon the members of the Bengal Legislative Assembly to vote down the reactionary, anti-national and uneconomic Bill which is sought to be imposed on the people against their will."

Sir, the feeling against the Bill is real and not artificial and pervades all classes of people—the rich, the middle-class and the poor—irrespective of class, creed or community.

Mr. KADER BAKSH: How do you know that?

Rai Sahib JATINDRA MOHAN SEN: Sir, my friend asks me how I know that.

Mr. PRESIDENT: You need not mind any such interruption.

Rai Sahib JATINDRA MOHAN SEN: It is not confined only to the Hindus who are often characterised as arch agitators. The Bill has been passed by the other House in flagrant defiance of public opinion expressed in the House. Now that opinion is the opinion of the people affected by the Bill, and so I can confidently say that this Bill will also be objected to by the people at large. The question now is whether this House will tamely fall in with the other House and not protect the people in their sore distress? The existence of this House is justified only on the ground that it will be composed of elderly and experienced persons who will not easily be swayed by passions or sentiments, and will act as brakes to stop or modify mischievous or unwholesome legislation. I am sorry to say that the Hon'ble Finance Minister has failed to furnish the smallest shred of evidence to substantiate his case for the Sales Tax. His theme of budgetary deficit and nation-building activities has no substance at all. The budget deficit is illusory and misleading, having been based on an under-estimate of receipts and over-estimate of expenditure on nation-building departments. If this tax were intended to finance free primary education in this country, I would have been the first to support the Bill. The tax will, it has

been said, yield about a crore and a half of rupees, and it is painful to think that such a huge amount is going to be squeezed out of the people only to be frittered away without practically any substantial benefit to any nation-building department. Now, in this connection, I may be permitted to observe that if this tax of one pice in the rupee is found to be insufficient to meet the cost of free primary education and if Government come forward with a proposal for an increased rate of taxation by two pice in the rupee, then I think this House would unhesitatingly support such a measure if it be for the purpose of financing free primary education in the country.

Mr. PRESIDENT: At this stage only the need for circulation or Select Committee should be discussed. I am sorry that this rule is not being observed. It is no use going on repeating what has been said already on the floor of the House. As regards discussion of the clauses, honourable members will get enough chance of doing so later.

Rai Sahib JATINDRA MOHAN SEN: I am only saying that we would have supported the Bill if it was intended to finance free primary education. That was the trend of my last observation, Sir.

Mr. PRESIDENT: Yes, I see. But are you going to conclude your speech in about five minutes?

Rai Sahib JATINDRA MOHAN SEN: Yes, Sir, I will conclude in about two minutes. Now Sir, the country is passing through distress and anxious times, and the duty of the Government during this time is to bring hope and confidence in the minds of the public. It has been said, not in this House but in the other house——

Mr. PRESIDENT: Order, order. It is not permissible to refer to what happened in the other House.

Rai Sahib JATINDRA MOHAN SEN: Now, Sir, the Hon'ble Finance Minister has indulged in his speech in some vague and airy references about nation-building departments, but has discreetly refrained from laying down any definite programme to this end. As there is no time, with these words I beg to oppose the motion for the consideration of the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I oppose the amendment to refer the Bill to a Select Committee.

Mr. PRESIDENT: I shall put the last amendment first.

The question before the House is: that the Bengal Finance (Sales Tax) Bill, 1941, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. H. S. Suhrawardy, Minister in charge of the Finance Department,

(2) Mr. Birendra Kishore Roy Chowdhury,

(3) Raja Bhupendra Narayan Sinha Bahadur,

(4) Mr. Amulyan Dhone Roy,

(5) Khan Sahib Abdul Hamid Chowdhury,

(6) Khan Bahadur Ataur Rahman,

(7) Khan Bahadur Shaikh Muhammad Jan,

(8) Khan Bahadur Rezaqul Haider Chowdhury,

(9) Mr. Humayun Kabir,

(10) Mr. W. B. G. Laidlaw, and

(11) the mover,

with instructions to submit their report by the 30th April, 1941, and that the number of members necessary to constitute a quorum shall be five.

(The amendment was negatived).

Mr. PRESIDENT: The question before the House is: that the Bengal Finance (Sales Tax) Bill, 1941, be referred to the committee of the whole Chamber.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that the Bengal Finance (Sales Tax) Bill, 1941, be taken into consideration.

(The motion was agreed to.)

Order, order. The House stands adjourned till 2-15 p.m. on Wednesday, the 19th March, 1941.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 19th March, 1941.

Members absent.

The following members were absent from the meeting held on the 12th March, 1941:—

(1) Mr. Srish Chandra Chakraverti.
(2) Mr. Hamidul Huq Chowdhury.
(3) Mr. Lalit Chandra Das.
(4) Mr. Bankim Chandra Dutt.
(5) Mr. Narendra Chandra Datta.
(6) Mr. Kamini Kumar Dutta.
(7) Khan Bahadur Alhaj Khwaja Muhammad Esmail.
(8) Mr. Kanai Lal Goswami.
(9) Mr. Mahomed Hossain.
(10) Maulana Muhammad Akram Khan.
(11) Begum Hamida Momin.
(12) Mr. Naresh Nath Mookerjee.
(13) Dr. Radha Kumud Mookerjee.
(14) Mr. Ranajit Pal Chowdhury.
(15) Dr. Kumud Sankar Ray.
(16) Mr. K. C. Roy Chowdhury.
(17) Mr. Sachindra Narayan Sanyal.
(18) Khan Bahadur M. Shamsuzzoha.
(19) Mr. J. McFarlane.

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